DOCUMENT RESUME

ED 148 022 EA 010 226

TITLE	Connecticut Laws Concerning Education as of January 1, 1977.
INSTITUTION	Connecticut State Dept. of Education, Hartford.
PUB DATE	1 Jan 77
NOTE	261p.; Not available in paper copy due to small type size of much of the original document
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*Educational Legislation; Elementary Secondary Education; *School Law; *State Legislation
IDENTIFIERS	*Connecticut

ABSTRACT

The statute citation, title, and text of Connecticut laws concerning education are contained in 36 chapters. An index of education laws is also included. (MLF)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY
Connecticut State
Dept. of Education
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

ED148022

CONNECTICUT LAWS CONCERNING EDUCATION as of January 1, 1977

EA 010 226

CONNECTICUT STATE DEPARTMENT OF EDUCATION

CONNECTICUT STATE BOARD OF EDUCATION

John E. Toffolon, *Chairman*
Catherine V. A. Smith, *Vice Chairwoman*
Dayson D. DeCourcy
Herbert J. Duke
June K. Goodman
Richard A. Harrison
Rose Lubchansky
Henry S. Novicki
Chancellor, Higher Education
(ex officio)

Mark R. Shedd, *Secretary and*
Commissioner of Education

Peter P. Horoschak, *Assistant Secretary and*
Deputy Commissioner of Education

CONTENTS LAWS CONCERNING EDUCATION AS OF JANUARY 1, 1977

State Board of Education 1
Proficiency Examinations 5
Educational Opportunities 6
High Schools 14
Post-Secondary Schools 15
Regional Schools 15
Regional Vocational Agriculture Centers 33
Regional Educational Service Centers 34
Special Schools and Classes 36
Surrogate Parent Program 54
Vocational Schools and Rehabilitation 56
Teachers and Superintendents 63
Teachers' Retirement System 89
School Attendance and Employment of Children 106
School Health and Sanitation 112
Boards of Education 118
Town Management 132
Support of Public Schools. Transportation 134
Reimbursement Grants for Parental Equivalent Instruction Costs . . . 146
Public School Building Projects 149
Legal Holidays and Standard of Time 159
Uniform Administrative Procedure Act 172
Personal Data 182
Municipal Auditing Act 190
Control 215
Veterans 219
Fair Employment Practices 219
Employers' Mutual Insurance 229
Workmen's Compensation Insurance 232
Second Injury and Compensation Assurance Fund 234
Full Employment Act 237
Commission on Job Innovation and Development 238
Professional Liability Insurance 240
Attachments 241
Academic Crimes 244
Loitering In or About School Grounds, Public Indecency 246

LAWS CONCERNING EDUCATION
as of
JANUARY 1, 1977

CHAPTER 163*

STATE BOARD OF EDUCATION

*Cited. 129 C. 191.

Sec. 10-1. Appointment.

The state board of education shall consist of nine members. In February in each odd-numbered year the governor shall appoint, with the advice and consent of the general assembly, three members of said board, who shall serve for a term of six years from the first day of July following their respective appointments. The chief executive officer of the commission for higher education shall serve as an ex-officio member without a vote. Any vacancy in said board shall be filled in the manner provided in section 4-19.

(1949 Rev., S. 1332; 1969, P.A.690, S.2; 1971, P.A.252.)

Sec. 10-2. Officers. Secretaries. Agents. Employees.

Said board shall elect one of its members as chairman to serve for a term of two years and shall appoint such committees as may be convenient or necessary in the transaction of its business. It shall appoint a secretary and may appoint an assistant secretary, neither of whom shall be members of said board. The secretary shall record all acts of the board and certify the same to all concerned and shall be the custodian of its records and papers; shall prepare such routine business for presentation to said board as may be necessary or advisable; shall compile and publish, under the direction of said board, all regulations and acts which may be required and shall perform such duties as the board prescribes. Said board may appoint, and may prescribe the duties of, such subordinates, agents and employees as it finds necessary in the conduct of its business. The board may appoint an agent to secure the observance of the laws relating to the instruction of children, and such agent shall make written report of his work to the secretary semi-annually.

(1949 Rev., S. 1333.)
Cited. 152C. 568.

Sec. 10-3. Prosecuting agents to enforce school laws.

Section 10-3 is repealed.

(1949 Rev., S. 1334; 1961, P.A.517, S.92; February, 1965, P.A. 112, S. 1.)

Sec. 10-4. Duties of board. Reports.

(a) Said board shall have general supervision and control of the educational interests of the state, which interests shall include pre-school, elementary and secondary education, special education, vocational education and adult education; shall provide leadership and otherwise promote the improvement of education in the state, including research, planning and evaluation; shall prepare such courses of study and publish such curriculum guides including recommendations for textbooks, materials and other teaching aids as it determines are necessary to assist school districts to carry out the duties prescribed by law; shall conduct workshops and related activities, including programs of intergroup relations training, to assist teachers in making effective use of such curriculum materials and in improving their proficiency in meeting the diverse needs and interests of pupils; and shall keep informed as to the condition, progress and needs of the schools in the state.

(b) Said board shall submit to the governor, as provided in section 4-60, and to the general assembly, a detailed statement of the activities of the board and an account of the condition of the public schools and of the amount and quality of instruction therein and such other information as will assess the true condition, progress and needs of public education. Said board shall develop or cause to be developed an evaluation and assessment procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools and shall report on these procedures to the joint standing committee on education of the general assembly by February 15, 1972.

(c) Said board shall also include recommendations for policies and programs designed to improve education and may publish such reports and information concerning the educational interests of the state within its jurisdiction as it deems advisable.

(1949 Rev., S. 1335; September, 1957, P.A. 11, S.13; February, 1965, P.A. 330, S. 10; 1969, P.A.690,S. 3; 1971, P.A.665, S. 1.)
See Secs. 10-116f,11-23.
Cited. 147 C.374; 152 C. 151.
Cited. 29 CS 397.

Sec. 10-4a. Educational interests of state identified.

For purposes of sections 10-4, 10-4b and 10-220, the educational interests of the state shall include, but not be limited to, the concern of the state (1) that each child shall have for the period prescribed in the general statutes equal opportunity to receive a suitable program of educational experiences; (2) that each school district shall finance at a reasonable level an educational program designed to achieve this end; and (3) that the mandates in the general statutes pertaining to education within the jurisdiction of the state board of education be implemented.

(1969, P.A. 690, S.1.)
Cited. 29 CS 397.

Sec. 10-4b. Failure of local board to implement educational interests.

Whenever said state board finds that a board of education of any school district has failed to make reasonable provision to implement the educational interests of the state as defined in section 10-4a, said state board shall conduct an inquiry to identify the cause of such failure and shall determine what recommendations should be made as to the necessary remedies to be pursued by the responsible local or state agencies. In conducting such inquiries, the state board of education shall give the board of education involved the opportunity to be heard. Said state board may summon by subpoena any person whose testimony may be pertinent to the inquiry and any records or documents related to the provision of public education in the school district.

(1969, P.A. 690, S. 5.)
Cited. 29 CS 397.

Sec. 10-5. State high school diploma.

Any person who has submitted evidence satisfactory to the state board of education that he has education equivalent to that required for graduation from high school may be issued a state high school diploma by the secretary of said board. Each person, except as herein provided, desiring a state high school diploma shall make application therefor in the manner and form prescribed by the state board of education and shall, at the time of filing such application, pay to said board the sum of two dollars. If the credentials and evidence submitted by the applicant are not sufficient to entitle him to such diploma without an examination in one or more subjects, such applicant shall, before he takes such examination, pay to said board or the local board of education providing the testing services the sum of three dollars and, for each subsequent examination and prior to taking the same, such applicant shall pay to said board or the local board of education providing the testing services the sum of two dollars. The secretary of the state board of education shall keep a correct account of all money received by him under the provisions of this section and shall deposit with the state treasurer all such money received by him. Funds paid to a local board of education under this section shall be deposited by the local board of education in the school activity fund established under section 10-237 and expended to defray the costs of such testing. The state board shall prescribe regulations for carrying out the provisions of this section. No veteran or member of the armed forces, as defined by section 27-103, shall be required to pay the fees required by this section.

(1949 Rev., S. 1336; 1951, S. 880d; 1957, P.A. 163, S. 17; February, 1965, P.A. 330, S. 11; P.A. 73-79.)
See Sec. 10-332.

Sec. 10-6.

Transferred to Chapter 178, Sec. 10-330.

Sec. 10-7.

Transferred to Chapter 178, Sec. 10-331.

Sec. 10-8. Licensing of private schools for trade instruction and special occupational training.

No person, board, association, partnership, corporation or school shall, as a school, give instruction in any form or manner in any trade or part thereof or in the theory pertaining thereto, or any instruction which is claimed to qualify an individual for any position for which special occupational training is required, for any remuneration, consideration, reward or promise to pay unless such person, board, association, partnership, corporation or school has obtained a certificate from the state board of education authorizing the offering of such instruction. Requirements with respect to courses of instruction and the qualifications of instructors shall be determined by the state board of education, with the advice of the labor department. Such certificate shall be issued in accordance with regulations formulated by the state board of education, with the advice of the labor department, and promulgated by said board. For the issuance of such certificate a fee of not less than ten dollars and not more than one hundred dollars for any person, board, association, partnership, corporation, school or branch thereof shall be charged by said board, and annually thereafter, on July first, a fee not exceeding ten dollars shall be charged for the renewal of such certificate, provided such certificate shall not be renewed unless, after inspection, the state board of education certifies that the instruction and equipment conform to the standards established by said board. The provisions of this section shall not apply to schools under public supervision and control, endowed schools not operated for profit or schools conducted by organizations for the training of their employees, nor to any person, school, board, association or corporation authorized by the general assembly to confer degrees. Any person, board, association, partnership, corporation or school which violates any provision of this section shall be fined not more than five hundred dollars.

(1949 Rev., S. 1343; February, 1965, P.A. 475, S. 1.)

Sec. 10-9. Bequests for educational purposes.

The state treasurer may receive in the name of the state any money or property given or bequeathed to the state, to the state board of education, to the commission for higher education or to any of its constituent units for educational purposes, and may expend the same or any income therefrom according to the terms of the gift or bequest. Such money or property shall be invested by the treasurer in accordance with the provisions of subsection (b) of section 3-27.

(1949 Rev., S. 1344; February, 1965, P.A. 330, S. 15.)
See Sec. 10-322.
No authority under this section to authorize the turning over of funds of The Wheeler School and Library to the state board of education. 15 CS 427.

Sec. 10-10. Acquisition of federal surplus property.

Section 10-10 is repealed.

(1957, P.A. 20, S. 1; 1959, P.A. 136, S. 2.)
See Sec. 4-120a.

Sec. 10-11. Receipt and expenditure of federal funds. Report.

(a) The state board of education is empowered, subject to the provisions of the general statutes, to receive any federal funds made available to this state for purposes of elementary, secondary or vocational education and to expend such funds for the purpose or purposes for which they are made available. The state treasurer shall be the custodian of such funds.

(b) The state board of education, on or before February first of each year, shall submit to the governor and the general assembly: (1) A detailed report of all federal funds available to the state board of education for distribution to town and regional school districts during the immediately preceding fiscal year, and such funds available for distribution directly to town and regional school districts by federal agencies during such fiscal year, (2) a detailed report of all federal funds for such educational purposes received in Connecticut, the disbursement of such funds, the programs funded, an evaluation of said programs, and (3) such additional information as may be requested by the joint standing committee on education of the general assembly.

(1949 Rev., S. 1345; February, 1965, P.A. 330, S. 16; 1971, P.A. 382; 1972, P.A. 173; P.A. 73-313.)
See Sec. 10-329.

Sec. 10-11a. Allocation to meet matching requirements of federal acts.

The state board of education may, within the provisions of section 4-87, allocate and use any appropriation or special fund to meet the matching requirements of the federal acts making funds available to the state for purposes of elementary, secondary or vocational education.

(1959, P.A. 483, S. 1; February, 1965, P.A. 330, S. 17.)

Sec. 10-12. State board of vocational education.

The state board of education is designated as the state board of vocational education for the purpose of cooperating with the federal government in the promotion and administration of vocational education.

(1949 Rev., S. 1346.)

Sec. 10-13. Appointment of physicians for vocational schools.

The state board of education may appoint one or more school physicians for the state vocational schools and shall provide such physicians with suitable facilities for the performance of such duties as it prescribes.

(1949 Rev., S. 1347; 1959, P.A. 411, S. 1; February, 1965, P.A. 330, S. 19.)
See Sec. 10-116a.

Sec. 10-13a. Fees at technical institutes.

Section 10-13a is repealed.

(1963, P.A. 496, S. 1; 1969, P.A. 530, S. 12.)
See Sec. 10-108C.

Sec. 10-14. Expenses of the board.

The expenses of the state board of education shall be paid by the state upon vouchers certified by the secretary or other person designated by said board.

(1949 Rev., S. 1348.)

Sec. 10-14a.

Transferred to Chapter 178, Sec. 10-333.

Sec. 10-14b. State commission on youth services.

Section 10-14b is repealed.

(1963, P.A. 521, S. 1; 1969, P.A. 664, S. 18.)

Sec. 10-14c. Coordinator of youth services.

Section 10-14c is repealed.

(1963, P.A. 521, S. 2; 1969, P.A. 664, S. 18.)

Sec. 10-14d. Duties. Part of education department.

Section 10-14d is repealed.

(1963, P.A. 521, S. 3, 4; 1969, P.A. 664, S. 18.)

CHAPTER 163a*

PROFICIENCY EXAMINATIONS

Sec. 10-14e. Taking of proficiency examination required for high school students.

(a) After September 1, 1977, each student enrolled in the tenth grade in any public high school or in any endowed or incorporated high school or academy, approved pursuant to section 10-34, shall take the proficiency examination given pursuant to section 10-14g.

(b) After September 1, 1979, any student enrolled in the twelfth grade in any such school or academy who has unsuccessfully taken the examination required in subsection (a) of this section shall be reexamined once prior to receiving his high school diploma.

(c) After September 1, 1979, any student enrolled in the twelfth grade in any such school or academy who has not taken the proficiency examination given pursuant to section 10-14g may take such examination.

(P.A. 76-405, S. 1,4.)
See Sec. 10-14h for effective date.

Sec. 10-14f. Non-high school students eligible to take proficiency examination.

Any person sixteen years of age or older, who is not enrolled (1) in a public high school or an endowed or incorporated high school or academy, approved pursuant to section 10-34, or (2) in an adult education elementary and secondary completion program, may, after September 1, 1978, take the proficiency examination given pursuant to section 10-14g upon application and payment of a non-returnable fee of ten dollars to the state board of education. Any such person who successfully takes such examination pursuant to this section shall receive notice from the state board of education certifying that he has successfully taken such examination.

(P.A. 76-405, S. 2,4.)
See Sec. 10-14h for effective date.

***Not effective.**

Sec. 10-14g. Duties of state board of education concerning proficiency examinations.

Prior to September 1, 1977, the state board of education shall, in consultation with any interested parties, (1) establish a means to examine proficiency of performance in basic verbal and quantitative skills, and (2) develop procedures to administer, grade and report the results of examinations to be offered for the purpose of testing such skills and to be taken pursuant to sections 10-14e or 10-14f. Such examinations shall be graded either "Pass" or "Fail". Such examinations shall be offered not more than four times in any calendar year, provided the same examination shall be offered to all students and other persons taking it on the same date. Said board shall promulgate such regulations as are necessary to carry out the purposes of this chapter.

(P.A. 76-405, S. 3,4.)

See Sec. 10-14h for effective date.

Sec. 10-14h. Effective date for proficiency examination provisions.

This chapter shall take effect upon receipt by the state board of education of not less than fifty thousand dollars in federal or private funding for the purposes of this chapter, provided if such funding is not granted on or before January 1, 1977, this chapter shall not become effective.

(P.A. 76-405, S. 4.)

CHAPTER 164*

EDUCATIONAL OPPORTUNITIES

*Cited. 129 C. 191.

PART I

GENERAL

Sec. 10-15. Towns to maintain schools. Prescribed courses of study.

Public schools including kindergartens shall be maintained in each town for at least one hundred eighty days of actual school sessions during each year. When public school sessions are cancelled for reasons of inclement weather or otherwise, the rescheduled sessions shall not be held on Saturday or Sunday. The state board of education may authorize the shortening of any school year on account of an unavoidable emergency and may authorize implementation of scheduling of school sessions to permit full year use of facilities which may not offer each child one hundred eighty days of school sessions within a given school year, but which assures an opportunity for each child to average a minimum of one hundred eighty days of school sessions per year during thirteen years of educational opportunity in the elementary and secondary schools. The public schools shall be open to all children over five years of age without discrimination on account of race, color, sex, religion or national origin; provided town boards of education may, by vote at a meeting duly called, admit to any school children under five years of age or may exclude children who will not attain the age of five years until after the first day of January of any school year. Within the limits of existing expenditures in any one school year, any child attending a public school shall have an equal opportunity to participate in the activities, programs and courses of study offered in such public school. In said schools shall be taught, by teachers legally qualified, reading; spelling; writing; English grammar; geography; arithmetic; United States, state and local history; the duties of citizenship, which shall include a study of the town, state, and federal governments; hygiene; the effects of alcohol, nicotine or tobacco and of controlled drugs, as defined in section 19-443, on health, character, citizenship and personality; physical and health education, including methods, as presented by the state board of education, to be employed in preventing and correcting bodily deficiency; instruction in the humane treatment and protection of animals and birds and their economic importance, such instruction, when practicable, to be correlated with work in reading, language and nature study; and such other subjects as may be prescribed by the board of education. Courses in health instruction and physical education shall be prepared by the secretary of the state board of education and, when approved by the state board of education, shall constitute the prescribed courses.

(1949 Rev., S. 1349; 1967, P.A. 288, S. 1; 1971, P.A. 370, S. 1; 442; 1972, P.A. 120, S. 1; P.A. 75-284.)

See Sec. 10-204.

What constitutes residence of a child for school purposes. 59C. 491, 492. Discretion of board of education to prescribe particular subjects is to be independently exercised. 127C. 351. See note to Ch. 108. Cited. 135C. 582;, 147C. 374; 152C. 151.

Cited. 26 CS 123. Health instruction and physical education courses authorized, when. 29 CS 397. Plaintiff, eligible for public schooling, has standing to bring action for declaratory judgement that the distribution of funds for public schools do not meet constitutional standards. 31 CS 379.

Sec. 10-15a. Discontinuance of kindergarten programs restricted.

Section 10-15a is repealed.

(February, 1965, P.A. 87; 1967, P.A. 288, S. 3.)

Sec. 10-15b. Access of parent or guardian to student's records.

Either parent or legal guardian of a minor student shall, upon written request to a local or regional school board and within a reasonable time, be entitled to knowledge of and access to all educational, medical, or similar records maintained in such student's cumulative record, except that no parent or legal guardian shall be entitled to information considered privileged under section 10-154a.

(P.A. 73-74.)

Sec. 10-16. Length of school day.

For the purpose of apportionment, the school day shall consist of not less than four hours of actual school work, except that in nursery schools and kindergartens a continuous session of two and one-half hours may be considered as a school day; provided any school session consisting of at least two hours but less than four hours of actual school work may be counted as half a school day and, in the event of dismissal of school because of weather conditions, completion of the regular morning session may be considered as a school day. Evening school sessions shall be considered as half a school day.

(1949 Rev., S. 1350; 1961, P.A. 86; 1967, P.A. 186, S. 1.)
Cited. 152C. 151.

Sec. 10-16a. Silent meditation.

The board of education of each town and of each regional school district shall provide opportunity at the start of each school day to allow those students and teachers who wish to do so, the opportunity to observe such time in silent meditation.

(P.A. 75-367, S. 2.)

Sec. 10-17. English language to be medium of instruction. Exception.

The medium of instruction and administration in all public and private elementary schools shall be the English language, except that instruction as provided in sections 10-17a and 10-17b may be given in any language other than English to any pupil who, by reason of foreign birth, ancestry or otherwise, experiences difficulty in reading and understanding English.

(1949 Rev., S. 1351; 1971, P.A. 432, S. 1.)
Cited 152C. 151.

Sec. 10-17a. Establishment of bilingual and bicultural program.

Any board of education may establish at any level of instruction a bilingual and bicultural program of study involving a culture in which a language other than English is predominately spoken, provided the purpose of such program shall be to enable children to become proficient in English. A private school may, with the approval of the state board of education, establish such a program of bilingual education.

(1971, P.A. 432, S. 2.)

Sec. 10-17b. Instruction bilingually and biculturally; procedures, materials and equipment; purpose.

Each board of education shall determine when instruction shall be given bilingually and biculturally. Said board, with the aid of the state board of education, shall design the procedures and acquire the training materials and equipment that such local board of education deems necessary to meet the special educational needs of children of limited English speaking ability. Such programs may include, but shall not be limited to, components designed to accomplish the following: (a) To provide bilingual instruction so that the student will gain competence in both English and such student's language; (b) to impart a knowledge of the history and culture associated with the student's language; (c) to establish closer cooperation between the school and the home; (d) to provide bilingual and bicultural early childhood educational programs designed to improve the potential for profitable learning activities by such children; (e) to provide bilingual and bicultural adult education programs for parents of children participating in programs under sections 10-17 to 10-17d, inclusive; (f) to provide such programs designed for dropouts or potential dropouts having need of them; (g) to provide such programs in trade, vocational or technical schools; and (h) to provide other activities deemed desirable to further the purposes of section 10-17 and sections 10-17a to 10-17d, inclusive.

(1971, P.A. 432, S. 3.)

Sec. 10-17c. Advice and assistance of state board. Evaluation of programs.

(a) In areas with large concentrations of non-English speaking persons the state board of education shall advise and assist the board of education of the school district to make said programs available to all students.

(b) The state board of education shall annually evaluate the programs conducted under sections 10-17 to 10-17d, inclusive, and shall on or before February first annually report such evaluations to the general assembly.

(1971, P.A. 432, S. 4, 6; P.A. 73-317.)

Sec. 10-17d. Application for and receipt of federal funds.

Subject to the regulations adopted by the state board of education pursuant to section 10-11, each board of education of a school district shall have the power to apply for and to receive federal funds made available directly to local communities for the programs provided in section 10-17 and sections 10-17a to 10-17d, inclusive.

(1971, P.A. 432, S. 5.)

Sec. 10-18. Courses in United States history, government and duties and responsibilities of citizenship.

(a) All high, preparatory, secondary and elementary schools, public or private, whose property is exempt from taxation, shall provide a program of United States history, including instruction in United States government at all levels, and in the duties, responsibilities, and rights of United States citizenship. No student shall be graduated from any such school who has not been found to be familiar with said subjects.

(b) The state board of education shall, upon request by a board of education, make samples of materials available for use in the schools required to teach the courses provided for in this section, with supplementary materials for such use.

(c) The board of education of each school district and the board of trustees, board of governors or other regulatory body of each such public or private school shall file with the secretary of the state board of education a copy of such courses in United States history, government, and citizenship, and annually, on or before August first, shall file any modification or adjustments in such courses of study with said secretary.

(1949 Rev., S. 1352-1357; 1959, P.A. 411, S. 2, 3; 1971, P.A. 758.)
See Sec. 10-116a.
Cited 152C. 151.

Sec. 10-18a. Social studies textbooks to present achievements of all ethnic and racial groups.

Each town or regional board of education shall, in selecting textbooks for social studies, use textbooks which present the achievements and accomplishments of individuals and groups from all ethnic and racial backgrounds.

(1967, P.A. 571, S. 1; 1969, P.A. 241.)

Sec. 10-19. Effect of alcohol, nicotine or tobacco and drugs to be taught. Training of personnel.

(a) The effect of alcohol, of nicotine or tobacco and of drugs, as defined in subdivision (17) of section 19-443 on health, character, citizenship and personality development shall be taught every academic year to pupils in all grades in the public schools; and, in teaching such subjects, textbooks and such other materials as are necessary shall be used. Institutions of higher education approved by the state board of education to train teachers shall give instruction on the subjects prescribed in this section and concerning the best methods of teaching the same. The state board of education and the commission for higher education in consultation with the commissioner of mental health, the drug advisory council and the Connecticut state alcohol council shall develop health education programs for elementary and secondary schools and for the training of teachers, administrators and guidance personnel with reference to the effects of nicotine or tobacco, alcohol and drugs.

(b) On and after September 1, 1974, all state institutions of higher education shall offer a program of information concerning drugs, as defined in subdivision (17) of section 19-443, and alcohol, and instruction in the use and the relationships of such drugs and alcohol to health and personality development, and in procedures for discouraging their abuse, which programs shall be coordinated with those developed under subsection (a) of this section, and no certificate to teach or supervise shall be granted by the state board of education to teachers, administrators or guidance personnel who have not satisfactorily passed an examination in such a program.

(1949 Rev., S. 1358; 1959, P.A. 411, S. 4; February, 1965, P.A. 140, S. 1; 1967, P.A. 555, S. 61; 1969, P.A. 753, S. 33; 1971, P.A. 370, S. 2; P.A. 73-632, S. 2, 3, 5; P.A. 75-211, S. 1.)
See Secs. 10-116a, 10-146.
Cited 152C. 151.

Sec. 10-20. Comptroller may withhold school money.

Section 10-20 is repealed.

(1949 Rev., S. 1359; 1963, P.A. 361.)
Cited 152C. 151.

Sec. 10-21. Vocational guidance.

The board of education of any town, city or borough may establish vocational guidance as a part of the educational program of such municipality and may, in its discretion, employ a vocational counselor whose duties and compensation shall be prescribed by said board.

(1949 Rev., S. 1360.)
Cited 152C. 151; id. 568.

Sec. 10-21a. Accredited courses offered by employers.

Any employer may, with the cooperation and approval of the board of education of the town or regional school district in which such employer's business is located, offer accredited high school courses or, with the cooperation and approval of the state board of education, offer vocational training courses, such courses to be offered on the business premises for the benefit of any employee (1) who does not have and who wishes to obtain a high school diploma or (2) who wishes to improve his employment status, provided that no such course or any portion thereof shall be at the expense of the state board of education or any local or regional board of education.

(P.A. 75-412.)

Sec. 10-22. Instruction in music.

Section 10-22 is repealed.

(1949 Rev., S. 1361; 1963, P.A. 301.)
Under former statute no certificate needed to teach music in public schools; a teacher of music is under control of the town and must be paid solely out of town funds. 97C. 430. Cited. 152C. 151.

Sec. 10-23. Instruction on highway safety.

Safety education shall be a subject of instruction in all public schools of the state, and the state board of education, with the cooperation of such other state departments, organizations and instrumentalities as are engaged in the elimination of motor vehicle accidents, shall prepare materials for use in such instruction and furnish them, free of charge, to superintendents or supervising agents of schools.

(1949 Rev., S. 1362.)
Cited. 152C. 151.

Sec. 10-24. Course in motor vehicle operation and highway safety.

(a) The state board of education shall prepare for use in all high and other secondary schools under its supervision a course of study of motor vehicle operation and highway safety.

(b) Each local and regional board of education may provide a course of instruction in motor vehicle operation and highway safety on a secondary school level, which course shall consist of not less than thirty clock hours of classroom instruction offered during or after school hours as said board of education, in its discretion, may provide, and shall include behind-the-wheel instruction of not less than six clock hours. Said course shall be open to enrolment by any person between the ages of sixteen and eighteen, inclusive, who is a resident of the town or school district or whose parent, parents or legal guardian owns property taxable in such town or school district. Any such board of education may contract for such behind-the-wheel instruction with a licensed drivers' school.

(1949 Rev., S. 1363; 1959, P.A. 672, S. 1; February, 1965, P.A. 361, S. 7; 1967, P.A. 765, S. 1; 1971, P.A. 456, S. 2; P.A. 75-479, S. 21, 25.)
See Sec. 14-292.
Cited. 152C. 151.

Sec. 10-24a. State grants for motor vehicle operation and highway safety course.

Section 10-24a is repealed.

(1957, P.A. 599, S. 2; 1959, P.A. 379, S. 2; 672, S. 2; February, 1965, P.A. 361, S. 2; 1967, P.A. 765, S. 2; P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-24b. Fee when course offered outside regular school hours.

Any board of education under whose authority a course of study of motor vehicle operation is offered may, if such course is offered at hours other than those in the regular school day, charge as a fee for such course an amount not to exceed the per pupil cost of maintaining said course.

(1959, P.A. 672, S. 3; P.A. 75-479, S. 22, 25.)

Sec. 10-24c. Grants for motor vehicle operation and highway safety courses in private secondary schools.

Section 10-24c is repealed.

(1967, P.A. 668; 1971, P.A. 47; 456, S. 3; P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-24d. Regulations concerning driver education programs. Consultant in driver education.

The secretary of the state board of education shall prepare, subject to approval of the state board of education, regulations governing the establishment, conduct and scope of driver education programs in secondary schools of this state, subject to the requirements of section 10-24. Such regulations shall permit any local or regional board of education or private secondary school to contract with a licensed drivers' school approved by the commissioner of motor vehicles for the behind-the-wheel instruction of such driver education program and instruction therein may be given by such school's driving instructors who are licensed by the motor vehicle department. It shall be the responsibility of the secretary to administer this program and to appoint the necessary clerical personnel. In the biennium beginning July 1, 1969, the secretary shall appoint a full-time consultant in driver education.

(1967, P.A. 765, S. 3; 1971, P.A. 456, S. 4.)

Sec. 10-25. Secondary education for veterans.

The state board of education may provide instruction and training in subjects at the secondary level in any part of the state where there is need for such instruction for veterans who served in time of war, as defined by section 27-103, which need cannot be met by town boards of education.

(1949 Rev., S. 1364; 1957, P.A. 163, S. 18.)

Sec. 10-26. Education grant to child of deceased or disabled veteran or missing in action member of armed forces.

(a) Any child between the ages of sixteen and twenty-three, inclusive, of any person who served in the armed forces in time of war, as defined by subsection (a) of section 27-103, and who was killed in action or who died as a result of accident or illness sustained while performing active military duty with the armed forces of the United States or who has been rated totally and permanently disabled by the veterans administration of the United States, or who is missing in action in Vietnam, if such person was a resident of this state at the time of his induction, shall receive, upon application to and approval of such application therefor by the commission on higher education, state aid for tuition, matriculation fees, board, room rent, books and supplies for such child attending any of the following-named institutions approved by said commission: An educational or training institution of college grade or any other institution of higher learning or commercial training, a state college, a vocational school or technical institute or any accredited military preparatory school if such beneficiary is preparing to enter the United States Military Academy at West Point, the United States Naval Academy at Annapolis, the United States Coast Guard Academy at New London or the United States Air Force Academy at Colorado Springs. Such grant may be used for the matriculation fees of any such beneficiary at any of said United States government academies. The amount of such aid shall not exceed four hundred dollars per year for each beneficiary and shall be paid to such institution on vouchers approved by the commission on higher education.

(b) To be eligible for a grant under this section, a child of a person missing in action in Vietnam must apply for such aid while his or her serviceman parent is still missing in action. Once the application of such child has been approved, the return of the parent of such child shall not result in the termination of such aid.

(1949 Rev., S. 1365. 1955, S. 883d; 1957, P.A. 163, S. 19; 1959, P.A. 411, S. 5; February, 1965, P.A. 157, S. 1; 1967, P. A. 168, S. 1; 1969, P.A. 378, S. 1; 1972, S. A. 53, S. 10; P.A. 73-509, S. 1.2.)
See Sec. 10-116a

Sec. 10-27. Exchange of professional personnel and students.

State agencies, including the educational institutions, may exchange a limited number of professional personnel and students with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to the exchangees. The authorized exchange of personnel and students need not be parallel and simultaneous nor specific with regard to the assignment of persons between institutions. If a vacancy exists on the staff of any state agency, including the educational institutions, because a leave of absence without pay has been granted, such agency may engage the services of professional personnel of other countries, and may pay such personnel so engaged from the funds which otherwise would have been paid to such personnel on leave of absence without pay.

(1949 Rev., S. 1366; 1949, 1955, S. 884d.)

Sec. 10-28.

Transferred to Chapter 190, Sec. 11-23b.

See also Secs. 10-28a, 11-23a

Sec. 10-28a. Advice and assistance to school libraries.

The state board of education shall give to communities advice and assistance in the organization, establishment and administration of school libraries, shall extend to school libraries, and to the librarian and teachers of any public school, aid in selecting and cataloguing books and in library management and may, for the purpose of this section, visit and inspect libraries organized under the provisions of section 10-221 and suggest improvements in such libraries. Said board is authorized to purchase and arrange books and pictures to be loaned to such school libraries, associations and individuals as the board may select.

(February, 1965, P.A. 490, S. 4.)

Sec. 10-29. Library service center in Middlesex county.

Section 10-29 is repealed.

(1955, S. 886d; February, 1965, P.A. 490, S. 10.)
See Sec. 11-23a

Sec. 10-30. Certain days to be proclaimed by governor. (a) Flag Day, Maine Memorial Day and Fire Prevention Day.

The governor shall, annually, designate by official proclamation the fourteenth day of June as Flag Day and the fifteenth day of February as Maine Memorial Day, and suitable exercises, having reference, respectively, to the adoption of the national flag and to the historical event to be commemorated, shall be held in the public schools on the day so designated or, if that day is not a school day, on the school day preceding, or on any such other day as the town board of education prescribes. On Flag Day suitable instruction in the method of displaying the flag and in the respect due the flag shall be given, based upon the flag code as adopted and revised by the national flag conference. The governor shall, also, by proclamation, annually designate a day, on or about October ninth, to be known as Fire Prevention Day, which day shall be observed in the schools and in such other way as is indicated in such proclamation.

(b) **Veterans' Day**. The governor shall annually issue a proclamation calling for the observance of the eleventh day of November as Veterans' Day, in recognition of the service and sacrifice of the sons and daughters of Connecticut who served in the naval and military service of the United States in time of war. Suitable exercises shall be held in the public schools, having reference to the historical events connected therewith; such exercises to be held during the week within which Veterans' Day occurs or on any such other day as the town board of education prescribes.

(c) **Indian Day**. The governor shall proclaim the last Friday in September in each year to be Indian Day, which day shall be suitably observed in the public schools of the state as a day of commemoration of the American Indian and his contribution to American life and civilization.

(d) **Pan American Day**. The governor shall proclaim April fourteenth of each year to be Pan American Day, which day shall be suitably observed in the public schools of the state as a day honoring the Latin American republics, and shall otherwise be suitably observed by such public exercises in the state capitol and elsewhere as the governor designates. If such schools are not in session on such day, Pan American Day shall be observed in the schools on the school day next succeeding or on a succeeding day designated by local boards of education.

(e) **Loyalty Day**. The governor shall proclaim May first in each year to be Loyalty Day, which day shall be set aside as a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom; and the flag of the United States shall be displayed on all state buildings on said day. Said day shall be suitably observed in the public schools of the state.

(f) **Arbor Day**. The last Friday of April in each year shall be observed in Connecticut as Arbor Day. The governor shall annually designate this day with suitable proclamation urging that on Arbor Day schools, civic organizations, governmental departments and all citizens and groups give serious thought to, and mark by appropriate exercises of a public nature, the value of trees and forests; to the ornamentation of our streets, highways and parks with trees; to the economic benefits to be derived from well-cultivated orchards and forests.

(g) **Nathan Hale Day**. The governor shall proclaim September twenty-second of each year to be Nathan Hale Day, which day shall be suitably observed in the public schools of the state as a day honoring Nathan Hale for his selfless patriotism.

(h) **Anchor Clubs Day**. The governor shall proclaim April twelfth in each year as Anchor Clubs Day, in honor of the organization's dedicated efforts in behalf of the protection of the public.

(i) **Puerto Rico Day**. The governor shall proclaim the fourth Sunday in September in each year as Puerto Rico Day to honor the contribution to the welfare of the state made by persons of Puerto Rican ancestry, which day shall be suitably observed by such public exercises in the state capitol and elsewhere as the governor designates. Puerto Rico Day shall be suitably observed in the public schools of the state on the school day next succeeding the fourth Sunday in September or on such succeeding day as may be designated by the local board of education.

(j) **Lief Erikson Day**. The governor shall proclaim a day within the first nine days of October of each year to be Leif Erikson Day, which day shall be suitably observed in all the public schools of the state as a day of commemoration of the Scandinavian peoples and their culture and the great contribution they have made to this country in the past and are now making, and also as a tribute to the gallant explorations of the Vikings.

(k) **Martin Luther King Day**. The governor shall proclaim the fifteenth day of January of each year to be Martin Luther King Day, and the last school day before such day shall be suitably observed in the public schools of the state as a day honoring Martin Luther King for his selfless devotion to the advancement of equality and the preservation of human rights.

(l) **Senior Citizens Day**. The governor shall proclaim the first Sunday in May in each year as Senior Citizens Day, in honor of the elderly citizens of the state and in recognition of their continued contribution to the state and the enrichment of the lives of all its citizens.

(m) **Submarine Day**. The governor shall proclaim April eleventh of each year to be Submarine Day, which day may be suitably observed in the public schools of the state as a day honoring the memory of submariners who lost their lives in the service of the United States.

(n) **Columbus Day**. The governor shall proclaim the second Monday in October of each year to be Columbus Day. Suitable exercises shall be held in the public schools, having reference to the historical events connected therewith and in commemoration of the Italian people, their culture and the great contribution they have made to this country; such exercises to be held during the week within which Columbus Day occurs or on such other day as the town board of education prescribes.

(o) **School Safety Patrol Day**. The governor shall proclaim the second Monday in September of each year to be School Safety Patrol Day, which shall be suitably observed in the public schools of the state with a program on highway safety to call attention to the fine work of school safety patrols.

(1949 Rev., S. 1368; 1949, S. 888d, 889d; 1955, S. 890d; 1957, P.A. 168, S. 1; 1963, P.A. 8C; February, 1965, P.A. 13, S. 1; 1967, P.A. 208, S. 1; 1969, P.A. 11, S. 2; 151; 204; 1971, P.A. 84; 118, S. 1; P.A. 73-3, S. 2; 73-9; 73-406; 73-648, S. 2; P.A. 74-18; P.A. 76-267, S. 2.)

PART II

HIGH SCHOOLS

Sec. 10-31. Establishment and maintenance.

Section 10-31 is repealed.

(1949 Rev., S. 1369; 1957, P.A. 13, S. 60; 1963, P.A. 302.)
See Secs. 10-15, 10-220, 10-241.

Sec. 10-32. Duties of town board of education.

Section 10-32 is repealed.

(1949 Rev., S. 1370; February, 1965, P.A. 111, S. 1.)

Sec. 10-33. Tuition in towns in which no high school is maintained.

The board of education of any town in which a high school is not maintained by such town shall designate a high school approved by the state board of education as the school which any child may attend who has completed an elementary school course, and such town shall pay the tuition of such child who resides with his parents or guardian in such town and attends such high school.

(1949 Rev., S. 1371.) Cited. 103C. 160.

Sec. 10-34. Approval by state board of incorporated or endowed high school or academy.

The state board of education may examine any incorporated or endowed high school or academy in this state and, if it appears that such school or academy meets the requirements of the state board of education for the approval of public high schools, said board may approve such school or academy under the provisions of this part, and any town in which a high school is not maintained shall pay the whole of the tuition fees of pupils attending such school or academy, except if it is a school under ecclesiastical control.

(1949 Rev., S. 1372.)

Sec. 10-35. Notice of discontinuance of high school service to nonresidents.

Any municipality which is providing educational facilities for nonresident high school students and which desires to discontinue furnishing such service to nonresident students shall notify the board of education of the municipality wherein such pupils reside that such facilities will not be so furnished, such notice to be given not less than one year prior to the time when such facilities will cease to be so furnished, provided the board of education of any municipality in which a high school is not maintained by such municipality may enter into an agreement with the board of education of another municipality to provide such facilities for a period not exceeding ten years, in which event the time agreed upon shall not be changed except by agreement between the parties.

(1951, 1953, S. 892d.)

Sec. 10-36. Agreements with Gilbert School.

The board of education of any municipality in which a high school is not maintained by such municipality may enter into an agreement with The Gilbert School to provide such facilities for a period not exceeding ten years, in which event the time agreed upon shall not be changed except by agreement between the parties.

(1955, S. 891d.)

Sec. 10-37. Transportation within the town.

Section 10-37 is repealed.

(1949 Rev., S. 1373; 1969, P.A. 603, S. 2.)

Sec. 10-38. Joint high schools.

Section 10-38 is repealed.

(1949 Rev., S. 1374; 1959, P.A. 77.)

PART IIa

POST-SECONDARY SCHOOLS

Sec. 10-38a. Maintenance of post-secondary schools.

Section 10-38a is repealed except that any institution operating under the provisions of said section prior to April 1, 1965, may continue to operate in accordance with the provisions of said section.

(1959, P.A. 232, S. 1; 1963, P.A. 583; February, 1965, P.A. 330, S. 25.)
See Sec. 10-38e.

PART III*

REGIONAL SCHOOLS

---

*Plaintiff merely taxpayer and voter in area affected has no standing to bring action for declaratory judgement concerning validity of establishment of regional school district under this chapter. 157 C. 1.

Sec. 10-39. Temporary regional school study committee.

(a) Two or more towns may establish a regional school district in accordance with the provisions of this part and the regulations promulgated thereunder. The state board of education shall promulgate regulations setting standards to govern the formation of regional school districts with respect to the minimum and maximum enrolment, the geographical limitations and other such factors which bear on the achievement of more efficient administration of a school district and efficacious education of the pupils therein. (b) Two or more town or regional school districts may, by vote of their legislative bodies, join in the establishment of a temporary regional school study committee, hereafter referred to as the committee, to study the advisability of establishing a regional school district, and report to the respective towns in accordance with section 10-43. In performing its duties, such committee may employ an architect to assist in estimating the cost of providing school facilities, an appraiser to establish the value of assets of each participating school district and such other professional consultants or personnel as may be needed, provided the committee shall not incur obligations which exceed the monies received pursuant to section 10-42. The committee shall continue until dissolved pursuant to section 10-43 but no longer than two years from the date of its organization unless the legislative bodies of the participating towns vote to extend the life of the committee for a period not to exceed two years. (c) Two or more boards of education may conduct a preliminary study of the advisability of establishing a regional school district, and if their findings are affirmative, such boards of education, except as provided below, shall submit a written report to the chief executive officer in each town served by such boards. Within thirty days of the receipt of the report, such officer shall call a meeting of the legislative body of the town which shall consider the report and vote on the question of establishing a temporary regional school study committee pursuant to subsection (b) of this section. In the case of a regional board of education, such board shall call a meeting of the regional school district for such purposes. (d) A regional school district may participate as a region in any study undertaken pursuant to subsection (b) or (c) of this section, provided such study is for the purpose of establishing a regional school district which may provide for the proposed district all programs under the general supervision and control of the state board of education. In the case of a preliminary study, the regional board of education shall submit the written report to a regional school district meeting called to consider the report and vote on the question of joining in the establishment of a temporary regional school study committee pursuant to subsection (b) of this section. A regional school district may vote to appoint five members to a temporary regional school study committee at a regional school district meeting. Two of such members shall be members of the regional board of education. The towns which are members of such regional school district shall be "participating" towns for the purposes of notice, reports and referenda under sections 10-41 to 10-43, inclusive, and section 10-45. If a new regional school district is established by the referenda, the board of education of the regional school district which participated in the study shall be deemed a town board of education for purposes of section 10-46a. (e) Any temporary regional school study committee established before June 24, 1969, shall continue its study in accordance with the procedures and mandates of this part, but shall not be required to change its membership. The provisions of section 10-42 shall apply.

(1951. 1953. 1955. S. 895d; 1969. P.A. 698. S. 1.)
Cited 157 C. 7

Sec. 10-40. Appointment of committee members.

The legislative body of each town joining in the establishment of such a committee shall appoint to such committee five members at least two of whom shall be members of the board of education of such town. The town clerk of each town shall immediately give notice of the appointments made to the state board of education. Within thirty days of receipt of the last of such notices, the state board of education shall appoint a consultant to such committee. The consultant shall call the first meeting of the study committee within ten days after his appointment.

(1951. 1953. 1955. S. 895d. 1963. P.A. 387. S. 1. February. 1965. P.A. 411. S. 1. 1969. P.A. 698. S. 2.)
Cited 141 C. 401

Sec. 10-41. Officers and records of committee.

The committee, at its first meeting, shall elect from among its number a chairman, a secretary, a treasurer who shall be bonded, and such other officers as the committee determines to be necessary. Meetings of the committee shall be held at the call of the chairman or at such times as the committee determines. A majority of the committee shall constitute a quorum. The treasurer shall receive all funds and monies of the committee, pay out the same upon the order of the committee within the limits of such receipts and keep detailed accounts thereof. The secretary of the committee shall keep minutes of the meetings and file copies thereof with the town clerk of each participating town.

(1951, 1953, 1955, S. 896d; 1969, P.A. 698, S. 3.)

Sec. 10-42. Expenses of committee.

The committee may receive and disburse for the purposes of the study monies from any source, including bequests, gifts or contributions, made by any individual, corporation or association. Each participating town shall pay a share of the expenses of the committee in an amount which is in the same proportion to the total expenses as the number of pupils used to compute the grant to such town pursuant to section 10-262 for the school year next prior to that in which the committee is established bears to the total number of such pupils in participating towns. The expenses of the committee in the initial two-year period shall not exceed five dollars times the total number of pupils used in the above computation. An affirmative vote by the legislative body to join a temporary regional school study committee shall obligate the town or regional school district to pay its share of the expenses of the committee. The treasurer of the district shall pay to the committee upon demand of its treasurer any portion of such share. Subject to the approval of the state board of education, for the purpose of computing any state grant for school building purposes under chapter 173, any part of such monies paid to an architect for professional services shall be applied to the total cost of any school building which may be constructed. An affirmative vote by the legislative body to extend the life of the committee pursuant to section 10-39 shall obligate the town or regional school district to pay its share of the additional expenses. The total expenses of the committee for each additional year shall not exceed one-half the limit set for the initial two-year period. Any unencumbered balance remaining in the treasury of the committee at the time such committee is dissolved shall be returned by the treasurer to the participating districts in the same proportion as their respective shares were paid to finance the expenses of the committee.

(1951, 1955, S. 897d; 1969, P.A. 698, S. 4.)

Sec. 10-43. Reports to towns. Dissolution of committee.

(a) The committee shall at least semiannually, make progress reports to the participating towns and the state board of education in such manner as the committee deems suitable. Upon completion of its study, the committee shall present a written report of its findings and recommendations to the state board of education and the town clerk of each participating town. If the committee finds that establishment of the proposed regional school district is inadvisable, its report shall include such findings and an explanation of the reasons for its conclusions. If the findings of the committee support the feasibility and desirability of establishing a regional school district, its report shall contain the findings of the committee with respect to the advisability of establishing a regional school district, the towns to be included, the grade levels for which educational programs are to be provided, the facilities recommended, estimates of the cost of land and facilities, a recommendation concerning the capital contribution of each participating town based on appraisals of existing land and facilities owned and used by each town for public elementary and secondary education which the committee recommends be acquired for use by the proposed regional school district, together with a plan for the transfer of such land and facilities, a recommendation concerning the size of the board of education to serve the proposed regional school district and the representation of each town thereon, and such other matters as the committee deems pertinent. The capital contribution of each participating town shall be in the same proportion to the total purchase price of the property transferred as the number of pupils used to compute the grant to such town pursuant to section 10-262 for the school year preceding that in which the plan is approved by the state board of education bears to the total number of such pupils in the participating towns. (b) If the committee finds: (1) Establishment of the proposed regional school district is inadvisable, the state board of education shall, within thirty days of receipt of such report, send to the committee and the town clerk of each participating town a statement of its agreement or disagreement with the committee report and the reasons therefor. The town clerk shall make available copies of the report and the statement and publish notice thereof in a newspaper having general circulation in the town. Within thirty days after receipt of the statement of the state board of education, the committee shall present the report and statement to the legislative body of each participating town at a public meeting called for the purpose of acting thereon. The committee is dissolved upon presentation of its report to all participating towns; (2) establishment of a regional school district is advisable, the state board of education shall, within thirty days of the receipt of such report, determine whether the proposed plan meets the regulations under section 10-39 in effect on the date the report was received and shall, accordingly, accept or reject the recommendations of the committee. (i) If the recommendations are rejected, the state board of education shall advise the committee in writing of the reason for rejection. The committee may revise its recommendations and resubmit its report within thirty days of receipt of notice of the rejection and shall, in such case, file a copy of the amended report with the town clerk of each participating town. If the committee does not submit an amended plan or if the committee submits an amended plan which is rejected by the state board of education, the proposed regional school district shall not be established and the procedure in subdivision (1) of this subsection shall apply. (ii) If the committee report is accepted, the state board of education shall certify to the town clerk in each of the participating towns that the committee recommendations have been approved and send a copy of such certification to the committee. The town clerk shall make available copies of the certified report and publish notice of the certification and availability of copies in a newspaper having general circulation in the town. Within thirty days after receipt of its copy of the certification, the committee shall hold a public meeting in each participating town to present the certified report. All participating towns shall hold a referendum on the same day in accordance with section 10-45. Upon completion of such referenda as may be held thereunder, the committee is dissolved.

(1951, 1955, S. 898d; 1963, P.A. 387, S. 2; February, 1965, P.A. 411, S. 2; 1969, P.A. 698, S. 5.)

Sec. 10-44. Disposition of committee records.

Upon the dissolution of the committee after a referendum establishing a regional school district, the persons who served as secretary and treasurer of the committee shall transfer the original official records of the committee to the secretary of the regional board of education. Upon dissolution of the committee without the establishment of a regional school district, such persons shall transfer such records to the state board of education.

(1951, 1953, 1955, S. 899d; 1969, P.A. 698, S. 6.)

Sec. 10-45. Referendum on establishment of regional districts.

(a) Upon receipt of a copy of the certificate of approval, the committee shall set the day on which referenda shall be held simultaneously in each of the participating towns to determine whether a regional school district shall be established as recommended. Such referenda shall be held between forty-five and ninety days from the date of such approval. The committee shall immediately notify the town clerk in each participating town of its decision. Upon receipt of such notice, the town clerk shall file the notice required by section 9-369a. The warning of such referenda shall be published, the vote taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of a town, except that absentee voting shall not be permitted in other than a special or regular election. The town clerk of each participating town shall certify the results of the referendum to the state board of education. (b) The vote on the question shall be taken by voting machine and the designation of the question on the voting machine ballot label shall be "For establishing a regional school district in accordance with the plan approved by the state board of education on ....(date), YES ...." and "For establishing a regional school district in accordance with the plan approved by the state board of education on ....(date), NO ...." and the label used shall conform with the provisions of section 9-250. If the majority of the votes in each of the participating towns is affirmative, a regional school district composed of such towns is established and shall be numbered in accordance with the order of the incorporation of the districts. (c) If the majority vote of one or more of such towns is negative, the committee shall determine the advisability of immediately submitting the question to referendum a second time. If the committee so recommends, it shall notify the town clerk in each participating town of its decision. Within thirty days after receipt of such notice, the legislative body of the town shall meet to act upon the committee recommendation. If the legislative body in each of the participating towns accepts the recommendation, a second referendum shall be held in each participating towns in accordance with the provisions of this section. If the majority of votes cast in each town is affirmative, the regional school district is established and numbered accordingly.

(1949 Rev., S. 1375, 1951, 1953, 1955, S. 900d; 1953, S. 919d; 1963, P.A. 387, S. 3; February, 1965, P.A. 411, S. 3; 1969, P.A. 698, S. 7.)

District held at least de facto. Any irregularities were validated by special act of legislature and no town has power to withdraw legislative authority. 134 C. 613. Cited. 157 C. 7.

Cited. 20 CS 158.

Sec. 10-46. Regional board of education.

(a) The affairs of the regional school district shall be administered by a regional board of education, which shall consist of not fewer than five members. Each member town shall elect at least one member. The committee report shall determine the number of members of such regional board and the representation of each town. The first members of such regional board of education shall be nominated and elected at a meeting of the legislative body of each town held within thirty days after the referendum creating the district. The regional board of education at its first meeting, called by the secretary of the state board of education within ten days from the time the last member town to appoint members to the regional board has done so, shall organize and the members shall serve until their successors are elected and qualify. At such meeting, the board shall determine the term of office of each member according to the following principles: (1) The term of office of each successor shall be four years; (2) to establish a continuity of membership, a system of rotation shall be used; if the board has an even number of members, one-half of such number shall be elected every two years and if the board has an uneven number of members, no more than a bare majority or a bare minority shall be elected every two years, except when the unexpired portion of the term of a vacated office must be filled; (3) the same system of rotation shall be used for election of the representatives of each member town, if possible; (4) if necessary, it shall be determined by lot which of the initial members shall serve the short terms; (5) at the first election of members in accordance with subsection (b) or (c) of this section, no more than half the offices held by initial board members shall be filled; (6) the offices held by the remaining initial board members shall be filled at the second election held in accordance with subsection (b) or (c) of this section. Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town.

(b) At least thirty days before the expiration of the term of office of any board member, a town meeting shall be held in accordance with chapter 90 to nominate and elect a successor. Any person who is an elector of such town may vote at such meeting. If a vacancy occurs in the office of any member of the regional board of education, the town affected, at a town meeting called within thirty days from the beginning of such vacancy, shall nominate and elect a successor to serve for the unexpired portion of the term in accordance with the above procedure.

(c) Board members shall be nominated and elected in the same manner as town officers in accordance with the provisions of title 9 except that (1) section 9-167a and parts II and III of chapter 146 shall not apply and (2) the board members so elected shall take office the first day of the month following the elections. If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term.

(d) All members of a regional board of education shall take office on the first day of the month following their election. Such board shall hold an organizational meeting in the month following the last election of members thereof held in the member towns in any calendar year at which time the board shall elect by ballot from its membership a chairman, a secretary, a treasurer and any other officer deemed necessary and may annually thereafter elect such officers. In the case of a tie vote in the balloting for any officer, such tie shall be broken by lot. The treasurer shall give bond to the regional board of education in an amount determined by the members thereof. The cost of such bond shall be borne by the district.

(1949 Rev., S. 1376, 1951, 1953, 1955, S. 901d; February, 1965, P.A. 470; 1967, P.A. 333, S. 1; 1969, P.A. 698, S. 8; 1971, P.A. 679, S. 1; P.A. 75-644, S. 11, 14.)

See Sec. 10-63u.

Cited. 134 C. 619. 141 C. 401.

Sec. 10-46a. Transfer of responsibility to regional board.

The regional board of education shall, after consultation with the town boards of education in the towns comprising the regional school district, determine the time and method by which the responsibility of conducting the educational program shall be transferred to the regional board of education, provided such transfer shall be completed within two years of the date of the organizational meeting of the regional board of education. When, in accordance with this section or section 10-47b, a regional board of education assumes the responsibility for administration of all programs which are provided in the member towns and are under the general supervision and control of the state board of education, the town boards of education are dissolved.

(1969, P.A. 698, S. 9.)

Sec. 10-47. Powers of regional board. Meetings.

Regional boards of education shall have all the powers and duties conferred upon boards of education by the general statutes not inconsistent with the provisions of this part. Such boards may purchase, lease or rent property for school purposes and, as part of the purchase price may assume and agree to pay any bonds or other capital indebtedness issued by a town for any land and buildings so purchased; shall perform all acts required to implement the plan of the committee for the transfer of property from the participating towns to the regional school district and may build, add to or equip schools for the benefit of the towns comprising the district. Such boards may receive gifts of real and personal property for the purposes of the regional school districts. The regional school district annual meeting shall be the district meeting at which the annual budget is first presented for adoption and shall be held the first Monday or the first Tuesday in May. The boards may convene special district meetings when they deem it necessary. District meetings shall be warned and conducted in the same manner as are town meetings. For such purposes, the chairman of the board shall have the duties of the board of selectmen and the secretary shall have the duties of the town clerk.

(1949 Rev., S. 1377; 1951, 1953, 1955, S. 902d; November, 1955, S. N117; 1963, P.A. 444, S. 1; 1967, P.A. 113, S. 1; 1969, P.A. 698, S. 10; P.A. 73-539.)

See Sec. 10-241a.

Sec. 10-47a. Withdrawal of grades.

Section 10-47a is repealed.

(1963, P.A. 444, S. 2; 1969, P.A. 698, S. 27.)

Sec. 10-47b. Addition or withdrawal of grades.

(a) Except as provided in subsection (b) of this section, any regional board of education in a school district which does not include all elementary and secondary school grades may recommend a study of the advisability of the addition to or withdrawal of grades from the regional school district or, upon the request of two or more of the town boards of education of the member towns, shall recommend such a study to the chairmen of the town boards of education and chairmen of the boards of finance or other such fiscal authorities in each town affected. Within thirty days of receipt of such recommendation, such chairmen shall each appoint one of the members of their boards and the chairman of the regional board of education shall appoint one member of the regional board from each member town to a study committee. The secretary of the state board of education shall appoint a consultant to the study committee. The study committee shall proceed in the same manner as the temporary regional school study committee except that the expenses of the committee shall be borne by the regional school district and shall not exceed three dollars times the number of pupils used to compute the grants made to such town and regional school districts pursuant to section 10-262 and the committee shall submit its report to the participating towns no later than one year from the date of its organizational meeting. If the committee recommends a plan for addition to or withdrawal of grades from the regional school district and the referenda held in the manner provided in section 10-45 result in an affirmative vote in the regional school district as a whole, the participating towns shall implement the plan.

(b) The procedures in subsection (a) of section 10-47b shall not be used to dissolve a regional school district, but may be used to empower the regional school district to administer all programs which are provided in the member towns and are under the general supervision and control of the state board of education. In such case, if the vote in each member town affirms the expansion, the town boards of education in such member towns shall be dissolved in accordance with section 10-46a. If the vote is not affirmative in all the member towns, but is affirmative in a majority of such towns, the towns voting in favor of such expansion may initiate a study of the feasibility of establishing a regional school district to administer all programs which are provided in such towns and are under the general supervision and control of the state board of education. Such study shall be initiated and conducted pursuant to sections 10-39 through 10-45. In such case, the study may be made forthwith without using the procedures for withdrawal of a town or dissolution of a regional school district provided in sections 10-63a through 10-63c. If a second regional school district is so established by referenda, the first regional school district shall be dissolved. The state board of education shall make the relevant determinations required by section 10-63c for such dissolution of an existing regional school district. The assets apportioned to the member towns of the new regional school district may be transferred directly to said district. If secondary schools are among the assets so transferred to the new regional district, said district shall accept applications from the remaining school districts for admission of secondary students for a tuition based on per pupil cost for a period of at least three years after the dissolution. The state board of education may withhold from the next grant paid pursuant to section 10-262 to the town or regional school districts so established an amount equal to the proportionate share to be borne by each such district of the cost of the services rendered by said state board during the dissolution of the regional school district.

(1969, P.A. 698, S. 11; 1971, P.A. 679, S. 2.)

Sec. 10-47c. Amendment of plan.

With the exception of the terms which pertain to the capital contribution of member towns, the transfer of property to the regional school district, the grades included and the towns to be served by the regional school district, the terms of the plan approved through referenda pursuant to section 10-45 may be amended as follows: If a regional board of education finds it advisable to amend the plan or if the legislative body of a town served by the regional board of education requests amendment of such plan, the regional board of education shall prepare a report on the proposed amendment, including the question to be presented, file a copy with the state board of education and the clerk of each member town and make copies of such report available to the public at a district meeting called to present the plan. After such public hearing, the board shall set the date for referenda which shall be held simultaneously in each member town between the hours of six a.m. and eight p.m. At least thirty days before the date of the referenda, the regional board of education shall notify the town clerk in each member town to call the referendum on the specified date to vote on the specified question. The warning of such referenda shall be published, the vote taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of a town, except that absentee voting shall not be permitted in other than a special or regular election. The town clerk of each town shall certify the vote of his town to the regional board of education. If the majority vote in each town of the district is in favor of the proposed amendment to the plan, such amendment shall take effect immediately.

(1969, P.A. 698, S. 12.)

Sec. 10-48. Relocation of site.

Section 10-48 is repealed.

(1953, S. 903d; 1969, P.A. 698, S. 27.)

Sec. 10-49. Site in town outside district.

Section 10-49 is repealed.

(1953, S. 904d; 1969, P.A. 698, S. 27.)

Sec. 10-49a. Site in town outside district.

Any school district may acquire real property upon which to build a school in a town not within such school district, provided such town approves such acquisition by referendum. Those eligible to vote at town meetings under section 7-6 shall be eligible to vote on such question. Any school district proposing to acquire such property shall so notify the town clerk of the town in which such property is located, and such town shall hold a referendum within sixty days after receipt of such notice. The school district giving such notice shall bear the cost of such referendum.

(1969, P.A. 698, S. 25.)

Sec. 10-50. Admission of adjacent town to district.

Section 10-50 is repealed.

(1949 Rev., S. 1375; 1951, 1953, 1955, S. 905d; 1953, S. 919d; February, 1965, P.A. 411, S. 4; 1969, P.A. 698, S. 27.)

Sec. 10-51. Fiscal year. Budget. Payments by member towns. Investment of funds. Temporary borrowing.

(a) The fiscal year of a regional school district shall be July first to June thirtieth. Except as otherwise provided in this subsection, not less than two weeks before the annual meeting held pursuant to section 10-47, the board shall hold a public district meeting to present a proposed budget for the next fiscal year. Any person may recommend the inclusion or deletion of expenditures at such time. After the public hearing, the board shall prepare an annual budget for the next fiscal year, make available on request copies thereof and deliver a reasonable number to the town clerk of each of the towns in the district at least five days before the annual meeting. At the annual meeting on the first Monday in May, the board shall present a budget which includes a statement of (1) estimated receipts and expenditures for the next fiscal year, (2) estimated receipts and expenditures for the current fiscal year, (3) estimated surplus or deficit in operating funds at the end of the current fiscal year, (4) bonded or other debt, (5) estimated per pupil expenditure for the current and for the next fiscal year and (6) such other information as is necessary in the opinion of the board. Persons present and eligible to vote under section 7-6 may accept or reject the proposed budget except as provided below. No person who is eligible to vote in more than one town in the regional school district is eligible to cast more than one vote on any issue considered at a regional school district meeting or referendum held pursuant to this section. Any person who violates this section by fraudulently casting more than one vote or ballot per issue shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disenfranchised. If the regional school district is comprised of four or more towns, the regional board of education may, in the call to the meeting, designate that the vote on the motion to adopt the budget shall be by paper ballots or by a "yes" or "no" vote on the voting machines in each of the member towns on the day following the district meeting. Two hundred or more persons qualified to vote in any regional district meeting called to adopt a budget may petition the regional board, in writing, at least three days prior to such meeting, requesting that any item or items on the call of such meeting, be submitted to the persons qualified to vote in the meeting for a vote by paper ballot or on the voting machines in each of the member towns on the day following the district meeting and in accordance with the appropriate procedures provided in section 7-7. If a majority of such persons voting reject the budget, the board shall, within two weeks thereafter and upon notice of not less than one week, call a district meeting to consider the same or an amended budget. Such meetings shall be convened at such intervals until a budget is approved. After the budget is approved, the board shall estimate the share of the net expenses to be paid by each member town in accordance with subsection (b) of this section and notify the treasurer thereof. With respect to adoption of a budget for the period from the organization of the board to the beginning of the first full fiscal year, the board may use the above procedure at any time within such period. If the board needs to submit a supplementary budget, the general procedure specified in this section shall be used.

(b) For the purposes of this section, "net expenses" means estimated expenditures less estimated receipts as presented in a regional school district budget. On the date or dates fixed by the board, each town in the district shall pay a share of the cost of capital outlay and current expenditures necessary for the operation of the district. The board shall determine the amount to be paid by each member town. Such amount shall bear the same ratio to the net expenses of the district as the number of pupils resident in such town in average daily membership in the regional school district during the preceding school year bears to the total number of such pupils in all the member towns. Until the regional school district has been in operation for one year, such amounts shall be based on the average daily membership of pupils in like grades from each of such towns at any school at which children were in attendance at the expense of such towns during the preceding school year.

(c) The board shall deposit or invest temporarily any funds which are not needed immediately for the operation of the school district in any manner permitted school districts or municipalities in chapter 112. Any income derived from such deposits or investments shall be used at least semiannually to reduce the net expenses. The board shall use any budget appropriation which has not been expended by the end of the fiscal year to reduce the net expenses of the district for the following fiscal year. The board may borrow funds temporarily in anticipation of payments to be made to it by a member town or the state, for the operation of its schools.

(1949 Rev., S. 1378; 1951, 1953, S. 906d; 1969, P.A. 698, S. 13; 1971, P.A. 679, S. 3, 4.)
Cited. 141 C. 401.

Sec. 10-51a. Petition to determine deficiency in town payment.

If any town which is a member of a regional school district fails to include in its annual town budget appropriations for any year the amount necessary for payment of its proportionate share of the annual budget of such regional school district, as required by section 10-51 or section 5 of number 405 of the special acts of 1959, ten or more taxable inhabitants of a town within such school district, a majority of the board of selectmen of any such town, the attorney general, a holder or owner of bonds or notes of such regional school district, the board of education of such regional school district or the state board of education may petition the superior court to determine the amount of the alleged deficiency. If the court finds such deficiency to exist, it shall order such town, through its treasurer, selectmen and assessor, to provide a sum of money equal to such deficiency, together with a sum of money equal to twenty-five per cent thereof. The amount of the deficiency shall be paid by the town to the regional school district as soon as it is available; the additional sum of twenty-five per cent shall be kept in a separate account by such town and shall be applied toward payment of such town's share of the annual budget of the regional school district in the following year. If such order is made prior to the fixing of the annual tax rate of such town, such tax rate shall be adjusted to cover the sums included in such order. If such order is made after the fixing of the annual tax rate of such town, the sums included in such order shall be provided by the town from any available cash surplus, from any contingent fund, from borrowing, through a rate bill under the provisions of section 12-123 or from any combination thereof. Any borrowing to meet such deficiency shall be made by the town treasurer, with the approval of a majority of the selectmen, and no vote of the town shall be required therefor. Such borrowed amount shall be included in the estimated expenses of the town in the tax levy for the next fiscal year. Petitions brought to the superior court under the provisions of this section shall be privileged in respect to their assignment for hearing.

(1961, P.A. 114, S. 1.)

Sec. 10-52. Adult education.

A regional district may provide adult education for the towns in the district in accordance with sections 10-67 to 10-70, inclusive, and shall be eligible for reimbursements for adult education programs in accordance with sections 10-67 and 10-71. Any balance of the cost of such adult education shall be prorated among and paid by the towns on the basis of the clock hour pupil attendance from each town. The regional board of education shall charge tuition for any student from outside the regional school district who participates in the adult education program.

(1951, 1955, S. 907d.)

Sec. 10-53. Application of education statutes.

All provisions of the general statutes relating to public education, including those providing state grants-in-aid, shall apply to each town belonging to a regional school district, provided, if the board of education of any regional school district provides transportation to a regional school, such district shall be reimbursed by the state as provided in section 10-54. Any regional school district empowered to provide to the member towns all programs under the general supervision and control of the state board of education shall receive each year in addition to the amount of state aid under section 10-262 ten per cent of said amount.

(1951, S. 908d; 1967, P.A. 473, S. 1; 1969, P.A. 698, S. 14.)

Sec. 10-54. Transportation grants.

Any town or regional school district which transports pupils to a regional school and any regional school district which transports pupils attending any other school in lieu of that provided by such district in accordance with approval by the regional board of education pursuant to section 10-55 shall be reimbursed by the state for one-half the amount paid for such transportation. At the close of each school year any regional or town board of education which provides such transportation shall file an application for such reimbursement on a form to be provided by the state board of education. Payments shall be made as soon as possible after the close of each fiscal year.

(1951, S. 909d; 1969, P.A. 698, S. 15.)

Sec. 10-55. Pupils to attend regional school.

No pupil from any town belonging to a regional school district shall, at the expense of such town, attend any other school in lieu of that provided by said district except a vocational school approved by the state board of education, unless his attendance at such other school is approved by the regional board of education.

(1949 Rev., S. 1380; 1951, S. 910d.)

Sec. 10-56. Corporate powers. Bond issues.

(a) A regional school district shall be a body politic and corporate with power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; and to build, equip, purchase, rent, maintain or expand schools. Such district may issue bonds in the name and upon the full faith and credit of such district and the member towns to acquire land, prepare sites, purchase or erect buildings and equip the same for school purposes, if so authorized by referendum. Such referendum shall be conducted in accordance with the procedure provided in section 10-47c except that any person entitled to vote under section 7-6 may vote and the question shall be determined by the majority of those persons voting in the regional school district as a whole. The exercise of any or all of the powers set forth in this section shall not be construed to be an amendment of a regional plan pursuant to said section 10-47c. A regional board of education may expend any premium in connection with such issue, interest on the proceeds of such issue or unused portion of such issue to add to the land or buildings erected or purchased and for the purchasing and installing of equipment for the same. Such bonds shall be denominated "Bonds of regional school district number .... of the State of Connecticut." Such bonds shall be serial bonds, with coupons attached, and registerable as to principal and interest or as to principal alone, shall be signed by the chairman and the treasurer of the regional board of education and shall bear such rate of interest, mature in such substantially equal instalments and be issued in such denominations and at such times and places as shall be determined by such board. The first instalment of any series of bonds shall mature not later than two years from the date of the issue of such series and the last instalment of such series shall mature not later than twenty years therefrom. Such bonds, when executed, issued and delivered, shall be general obligations of such district and the member towns, according to their terms. Any regional school district which has issued any bonds or other obligations pursuant to any general statute or special act may redeem them by issuing new bonds or other obligations.

(b) "Annual receipts from taxation" means the receipts from taxation of the member towns for the fiscal year next preceding the close of the last fiscal year of such regional school district. Notwithstanding the provisions of section 7-374, any regional school district may assume bonds or other indebtedness of any member town as part of the purchase price of any property for school purposes or issue bonds or notes, provided the aggregate indebtedness of such district shall not exceed: (1) In the case of a regional school district serving the same towns as are served by two or more town school districts, two and one-quarter times the annual receipts from taxation or (2) in the case of a regional school district empowered to provide for the member towns all programs under the general supervision and control of the state board of education, four and one-half times such annual receipts from taxation. Any regional school district may issue additional bonds or notes in an amount not to exceed three and one-half times such annual receipts from taxation less the aggregate indebtedness as defined in section 7-374 for the member towns of such district.

(c) When a district has been authorized to issue general obligation bonds as provided by this section, the board may authorize, for a period not to exceed four years, the issue of temporary notes in anticipation of the receipt of the proceeds from the sale of such bonds. Notes issued for a shorter period of time may be renewed by the issue of other notes, provided the period from the date of the original notes to the maturity of the last notes issued in renewal thereof shall not exceed four years. The term of such notes shall not be included in computing the time within which such bonds shall mature. The provisions of section 7-373 shall be deemed to apply to such notes. The board shall determine the date, maturity, interest rate, form, manner of sale and other terms of such notes which shall be general obligations of the regional school district and member towns. Such notes may bear interest or be sold at a discount. The interest or discount on such notes and any renewals thereof and the expense of preparing, issuing and marketing them may be included as a part of the cost of the project for the financing of which such bonds were authorized. Upon the sale of such bonds, the board shall apply immediately the proceeds thereof, to the extent required, to the payment of the principal and interest of all notes issued in anticipation thereof or deposit the proceeds in trust for such purpose with a bank or trust company, which may be the bank or trust company, if any, at which such notes are payable.

(d) Subject to the provisions of subsection (c) of this section, the board may deposit or invest the proceeds of bonds or of notes issued in anticipation thereof in the same manner and to the same extent as permitted school districts or municipalities in chapter 112.

(1949 Rev., S. 1381; 1951, 1955, S. 911d; 1953, S. 919d; November, 1955, S. N118; February, 1965, P.A. 7; 1967, P.A. 626, S. 2; 674, 1969, P.A. 132, S. 2; 698, S. 16; P.A. 74-239, S. 1, 2.)

Sec. 10-57. Debt limitation.

Section 10-57 is repealed.

(1951, 1955, S. 912d; November, 1955, S. N119; 1957, P.A. 511; September, 1957, P.A. 19; 1963, P.A. 604, S. 2; 1969, P.A. 132, S. 1; 698, S. 27.)
See Sec. 10-56.

Sec. 10-58. Investment of proceeds of bond issue.

Section 10-58 is repealed.

(1951, S. 913d; 1969, P.A. 698, S. 27.)
See Sec. 10-56.

Sec. 10-58a. Default of district in payment on bonds or notes. Withholding of state aid.

Whenever it is established as herein provided that a regional school district, including Regional School District Number 1 of Litchfield County, has defaulted in the payment of the principal or interest, or both, on its bonds or notes, the payment of state aid and assistance to such regional school district pursuant to any statute then in existence shall be withheld by the state. If a holder or owner of any such bond or note of such regional school district files with the state comptroller a verified statement describing such bond or note and alleging default in the payment thereof or the interest thereon, or both, the comptroller shall immediately investigate the circumstances of the alleged default, prepare and file in his office a certificate setting forth his finding with respect thereto and serve a copy of such finding, by registered or certified mail, upon the treasurer or chief fiscal officer of such regional school district. Such investigation shall cover the current status with respect to the payment of principal of and interest on all outstanding bonds and notes of such regional school district, and the statement prepared and filed by the comptroller pursuant to this section shall set forth a description of all bonds and notes of such regional school district found to be in default and the amount of principal and interest thereon past due. Upon the filing of such a certificate in the office of the comptroller, the comptroller shall thereafter deduct and withhold from the next succeeding payment of state aid or assistance otherwise due such regional school district such amount as is necessary to pay the principal of and interest on such bonds and notes of such regional school district then in default. If such amount is insufficient to pay all of such principal and interest, said comptroller shall similarly deduct and withhold from the next succeeding payment of state aid and assistance, otherwise due to any town in such district which is currently in default of its annual payments to such district, such amount as is necessary to pay the principal of and interest on such bonds or notes remaining in default. If all such amounts withheld are insufficient to pay all such principal and interest, the comptroller shall similarly deduct and withhold from each succeeding payment of state aid or assistance otherwise due such regional school district and such towns such amount or amounts thereof as may be required to pay all of the principal of and interest on such bonds and notes then in default. Payments of state aid or assistance so deducted and withheld shall be forwarded promptly by the comptroller to the paying agent or agents for the bonds and notes in default for the sole purpose of payment of defaulted principal of and interest on such bonds or notes; provided, if any such payment of state aid or assistance so deducted or withheld is less than the total amount of all principal and interest on such bonds and notes, then the comptroller shall forward to each paying agent an amount in the proportion that the amount of such bonds and notes in default payable by such paying agent bears to the total amount of the principal of and interest then in default on such bonds and notes of such regional school district. The comptroller shall promptly notify the treasurer or the chief fiscal officer of such regional school district of any payment or payments made to any paying agent or paying agents of defaulted bonds or notes pursuant to this section. The state of Connecticut hereby covenants with the purchasers, holders and owners from time to time of bonds and notes issued by regional school districts for school purposes that it will not repeal the provisions of this section or amend or modify the same so as to limit or impair the rights and remedies granted hereby; provided nothing herein contained shall be deemed or construed as requiring the state to continue the payment of state aid or assistance to any regional school district or town or as limiting or prohibiting the state from repealing or amending any law relating to state aid or assistance, the manner and time of payment or apportionment thereof, or the amount thereof.

(1961, P.A. 114, S. 2.)

Sec. 10-59. Fiscal year. Budget.

Section 10-59 is repealed.

(1949 Rev., S. 1384; 1951, 1953, 1955, S. 915d; 1959, P.A. 698, S. 27.)
See Sec. 10-51.

Sec. 10-60. Borrowing in addition to bonds.

In addition to the power to issue bonds as provided by section 10-56, such regional board of education may, when so authorized by a majority vote at a regional school district meeting called for such purpose, borrow sums of money in an amount which shall not exceed in the aggregate two hundred thousand dollars for a period not to exceed five years and pay interest thereon for acquiring lands, securing the services of architects and professional consultants, the operation and maintenance of regional schools, the installation of equipment therein and contingent or other necessary expenses connected therewith. Persons eligible to vote under the provisions of section 7-6 may vote on such issue. Such loans shall be in the name of and shall be general obligations of such district and the member towns. The chairman and treasurer of the board shall sign the note evidencing any such loan.

(1949 Rev., S. 1384; 1951, 1953, 1955, S. 915d; 1969, P.A. 290, S. 1; 698, S. 17.)

Sec. 10-61. Withdrawal of town.

Section 10-61 is repealed.

(1951, 1955, S. 916d; 1963, P.A. 389, S. 9.)
See Sec. 10-63a et seq.

Sec. 10-62. Dissolution of district.

Section 10-62 is repealed.

(1951, S. 917d; 1963, P.A. 389, S. 9.)
See Sec. 10-63a et seq.

Sec. 10-63. Payment of indebtedness on dissolution of district.

Section 10-63 is repealed.

(1951, S. 918d; 1963, P.A. 389, S. 9.)
See Sec. 10-63f.

Sec. 10-63a. Vote for withdrawal of town or dissolution of district.

(a) Any town which is a member of a regional school district may, pursuant to a vote of its legislative body, apply to the regional board of education to institute procedure for withdrawal from the district or, in the case of a district composed of two towns, dissolution of the district as hereinafter provided. (b) Any two or more towns which are members of a regional school district composed of three or more towns may, pursuant to a vote of the legislative bodies of the respective towns, apply to the regional board of education to institute procedure for the dissolution of the district as hereinafter provided.

(1963, P.A. 389, S. 1; February, 1965, P.A. 411, S. 5; 1969, P.A. 698, S. 18.)

Sec. 10-63b. Committee to determine conditions of withdrawal or dissolution.

Within thirty days of receipt of an application pursuant to section 10-63a the regional board of education shall call for the appointment of a committee to determine whether and under what conditions such withdrawal or dissolution shall take place. The committee shall consist of the following: One member of the board of education of each town within the district, to be selected by each such board, if any, or if none, an elector to be elected by the legislative body in such town; one member of the board of finance or comparable fiscal body of each town within the district to be selected by each such board or body; two members of the regional board of education, to be selected by such board, no more than one of whom may be a resident of a town making the application for the appointment of the committee; one member to be appointed by the state board of education, who shall not be a resident of any town within the district; the state treasurer or his designee, and one member to be appointed by the regional board of education, who shall be an expert in municipal bonding and financing and who shall not be a resident of any town within the district. The members shall receive no compensation for their services, but their expenses and those incurred by the regional board in connection with withdrawal or dissolution procedures shall be paid by the towns applying for withdrawal or dissolution. The appointee of the state board of education shall call the first meeting of the committee, and the committee shall organize and function in accordance with section 10-41.

(1963, P.A. 389, S. 2; 1969, P.A. 698, S. 19.)

Sec. 10-63c. Report of committee.

Within one year after its appointment, the committee shall prepare a written report of its recommendation concerning the advisability of a withdrawal or dissolution. If the committee recommends a withdrawal or dissolution, the report shall include: (1) A determination of the value of the net assets of the regional district, (2) an apportionment of the net assets to each member town on the basis of the ratio which the total average daily membership of such town since its membership in the regional district bears to the total average daily membership reported to the state board of education by the regional board of education up to and including the last such report, (3) a plan for settlement of any obligations and the transfer of property from the regional school district to the member town school districts, (4) a timetable for the orderly withdrawal or dissolution of the regional district and establishment of town boards of education if none exist, (5) the question to be determined by the referenda and (6) such other matters as the committee deems necessary. The provisions of sections 10-43 and 10-45, except as provided below, shall apply to the procedures for submission of the plan to the state board of education, action by such board, presentation of such plan to the member towns, action by such towns and the dissolution of the committee. The establishment of any new town board of education shall be in accordance with chapter 146. Upon an affirmative vote in each member town, the regional board of education and member towns shall cooperatively implement the plan for dissolution or withdrawal of a member town.

(1963, P.A. 389, S. 3; 1969, P.A. 698, S. 20.)

Sec. 10-63d. Submission of final plan. Publication of notice.

Section 10-63d is repealed.

(1963, P.A. 389, S. 4; 1969, P.A. 698, S. 27.)

Sec. 10-63e. Special town meetings on proposal.

Section 10-63e is repealed.

(1963, P.A. 389, S. 5; 1969, P.A. 698, S. 27.)

Sec. 10-63f. Obligations not affected by action.

Such withdrawal or dissolution shall not impair the obligation of the withdrawing town or the district to the holders of any bonds or other outstanding indebtedness issued prior to withdrawal or dissolution under authority of this part. The regional board of education and the board of education of the town or towns involved may make agreements for the payment of money to or from the district and said towns in accordance with the final plan of withdrawal.

(1963, P.A. 389, S. 6.)

Sec. 10-63g. Withdrawal and dissolution restricted.

(a) No town shall be permitted to withdraw from a regional school district and no district shall be dissolved except in accordance with the provisions of sections 10-63a to 10-63f, inclusive, and no application for withdrawal or dissolution shall be made within three years after the formation of the district. (b) No town which has voted to apply for the institution of withdrawal or dissolution procedure as provided in sections 10-63a to 10-63f, inclusive, may again so apply within three years after the date of its last application.

(1963, P.A. 389, S. 7, 8.)

Sec. 10-63h. Applicability to existing regional school districts.

Notwithstanding the provisions of any general or special act or compact adopted by referenda to establish a regional school district, the provisions of this part shall apply to the regional school districts in existence on June 24, 1969, except as provided below. (a) Nothing in this part shall be construed to require an existing regional school district to change the composition of the membership of its board of education or their terms of office. (b) If the board consists of nine members, three from each member town, such members may be elected on a rotating basis each year for terms of three years. If any adjustments are necessary to achieve this system, the regional school district shall use the procedures provided in section 10-47c to make the necessary changes, provided the term of office of no incumbent shall be shortened. (c) Any such school district may change the representation of the member towns on the regional board or change the term of office of such members to four years in accordance with the procedures provided in section 10-47c. If the latter change is made, the member towns may elect their representatives on the regional board of education in accordance with subsection (b) or (c) of section 10-46 as determined by the legislative body of each town.

(1969, P.A. 698, S. 21.)

Sec. 10-63i. Regional school district established before June 24, 1969.

Any referenda establishing a regional school district before June 24, 1969, which by the terms of the question presented in such referenda established a regional school district to provide educational programs for kindergarten through grade twelve, shall be deemed to have empowered such district to provide for the member towns any program under the general supervision and control of the state board of education. In such cases, the town board of education in each member town is dissolved when the regional board of education assumes the direction of all such programs in the member towns, but in no case later than two years from the date of the referenda establishing such regional school district.

(1969, P.A. 698, S. 22.)

Sec. 10-63j. Initial indication as to constitutionality of representation.

(a) Within thirty days after the date specified in section 10-63u the secretary of the state board of education shall notify in writing each regional board of education and the chief executive officer of each town within a regional school district as to whether or not, as of the date specified in section 10-63u, representation on the regional board of education is consistent with federal constitutional standards.

(b) Representation as used in subsection (a) of section 10-46 and in sections 10-63j to 10-63u, inclusive, means the composition of the regional board of education, the number and manner of election of its members from the several towns constituting a regional school district and the voting power of each member of the regional board of education.

(P.A. 75-644, S. 1, 14.)
See Sec. 10-63u.

Sec. 10-63k. Regional school reapportionment committee.

(a) If the secretary of the state board of education notifies in writing a regional board of education and the chief executive officer of each town within a regional school district that representation on the regional board of education is not consistent with federal constitutional standards, the legislative body of each participating town of a regional school district so notified shall, within thirty days of the receipt of such written notice from the secretary, appoint a regional school reapportionment committee in the same manner as provided for in section 10-40 relating to the appointment of a regional school study committee. The town clerk of each town shall immediately give notice of the appointments made to the state board of education. Within ten days of receipt of the last of such notices, the state board of education shall appoint a consultant to such committee. The consultant shall call the first meeting of the regional school reapportionment committee within seven days after his appointment.

(b) The regional school reapportionment committee shall organize, proceed, and operate in accordance with the provisions of section 10-41. It shall receive funds, be reimbursed for expenses, and dispose of unemcumbered balances remaining in the treasury of the committee in accordance with the provisions of section 10-42.

(P.A. 75-644, S. 2, 14.)
*See Sec. 10-63u.

Sec. 10-63l. Powers of regional school reapportionment committee.

(a) The power, function, and responsibility of the regional school reapportionment committee shall be to determine and recommend a plan of representation on the regional board of education consistent with federal constitutional standards. Among the alternatives it may consider and include in its recommendation are the following: (1) The number of members on the regional board from each participating town shall be determined in the proportion, within permissible deviant limits consistent with federal constitutional standards, that the population of each town bears to the population of the entire regional school district; (2) the regional school board shall be elected at large by the voters of the entire regional school district; (3) the voting power of the members from each town on the regional school board shall be weighted in the proportion, within permissible deviant limits consistent with federal constitutional standards, that the population of each town bears to the population of the entire regional school district; (4) such other method of representation or of distribution of voting power that is consistent with federal constitutional standards, provided, in the case of any such method which determines the number of members on the regional school board from each participating town, or the voting power of such members, in accordance with the proportion that the population of such town bears to the population of the entire regional school district or to the population of any other town in such district, the population of any such town shall not include the patients of any state institution located in such town.

(b) The regional school reapportionment committee shall submit its recommended plan of representation in writing to the state board of education within three months after its first organizational meeting.

(P.A. 75-644, S. 3, 14; P.A. 76-397, S. 1, 2.)
See Sec. 10-63u.

Sec. 10-63m. Approval or rejection of plan recommended by regional school reapportionment committee.

(a) Upon receipt of a recommended plan of representation from a regional school reapportionment committee, the state board of education shall examine same and within thirty days of receipt either approve or reject said plan, and so notify the regional school reapportionment committee.

(b) If the state board of education rejects the recommended plan of representation, it shall return it to the regional school reapportionment committee and shall in a written report advise the committee of the reasons for rejection, and suggest modifications to make the plan consistent with federal constitutional standards. The committee shall, within twenty days after receiving the plan back from the state board of education with the report, revise the plan and resubmit it to the board of education. If the regional school reapportionment committee refuses to revise the plan, or if it submits to the state board of education a plan which the board determines is not consistent with federal constitutional standards, then the provisions of section 10-63s shall apply.

(c) If the state board of education approves the plan of representation submitted by the regional school reapportionment committee, it shall certify to the town clerk in each town of the regional school district that the recommended plan has been approved and the state board of education shall send a copy of such certification to the regional school reapportionment committee. The town clerk shall make available copies of the certification to the public, and publish notice of it and the approved plan in a newspaper having general circulation in the town. The regional school reapportionment committee shall hold a public meeting in each town of the regional school district to present the approved plan of representation.

(P.A. 75-644, S. 4, 14.)
See Sec. 10-63u.

Sec. 10-63n. Referendum for regional school reapportionment. Establishment of plan.

(a) Upon receipt of a copy of the certificate of approval of the plan, the regional school reapportionment committee shall set the date upon which referenda shall be held on the same date in each town in the regional school district.

(b) Said referenda shall be held in accordance with the provisions of section 10-45, except that the question on the voting machine ballot label shall be "For establishing representation on the regional school board in accordance with the plan approved by the state board of education on .... (date). YES" and "For establishing representation on the regional school board in accordance with the plan approved by the state board of education on .... (date). NO" and the label used shall conform with the provisions of section 9-250.

(c) If the majority of the votes in each of the towns in the regional school district is affirmative, the plan of representation is established.

(d) If the majority vote of one or more towns is negative, the provisions of subsection (c) of said section 10-45 shall apply. If the majority of votes cast in each town on a second referendum is affirmative, the plan of representation is established.

(P.A. 75-644, S. 5, 14.)
See Sec. 10-63u.

Sec. 10-63o. Execution of reapportionment plan.

A plan of representation established as provided for in subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive, shall be effective seven days after the referenda resulting in an affirmative majority vote in each of the participating towns. If the plan of representation requires a reduction in the number of members on a regional board of education from a participating town, a determination of the order in which the terms of members from such town shall be terminated shall be made on the basis of the length of the unexpired portion of their terms, with the terms of members having the shortest unexpired portions being terminated first until the number of members from the town complies with the plan. If two or more members of a town have the same unexpired portions of their terms, then within seven days after the date the plan is established, and under the supervision of the other members of the regional board, the member or members whose term or terms shall terminate shall be determined by lot. If the plan requires that additional members on the regional board of education be added from a town within the regional school district, the legislative body of the town shall fill the vacancies by appointment. A new member of the board so appointed by the legislative body of a town shall serve until his successor is elected and qualified at the next town election. The remaining members on a regional board of education whose terms are not affected by the plan of representation shall serve the unexpired portions of the terms for which they have been elected. Questions as to the terms of office of members on a regional board of education shall be determined by the regional board in accordance with the principles established in section 10-46.

(P.A. 75-644, S. 6, 14.)
See Sec. 10-63u.

Sec. 10-63p. Time limits for reapportionment. Right to compel compliance.

The time limits provided for in subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive, may be extended by the state board of education for good cause. The failure to meet a time limit herein provided shall not in and of itself invalidate action taken after said time limit. Any resident of a regional school district shall have the right, power, and legal standing, to seek appropriate relief from a court having jurisdiction to compel compliance with the provisions of subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive.

(P.A. 75-644, S. 7, 14.)
See Sec. 10-63u.

Sec. 10-63q. Notification as to constitutionality of regional board representation following decennial census.

The secretary of the state board of education shall on or before the first day of May next following the completion of the decennial census of the United States, notify in writing each regional board of education and the chief executive officer of each town within a regional school district of whether or not on that date representation on the regional board of education is consistent with federal constitutional standards. If he notifies a regional board of education and the chief executive officer of the towns within a regional school district that representation on the regional board of education is not consistent with federal constitutional standards, then a regional school reapportionment committee shall be appointed and a plan of representation established as provided for in subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive.

(P.A. 75-644, S. 8, 14.)
See Sec. 10-63u.

Sec. 10-63r. Establishment of new plan of representation permitted after initial reapportionment.

After a plan of representation has been established pursuant to subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive, the legislative bodies of the towns in a regional school district may appoint a regional school reapportionment committee in accordance with the provisions of said sections and a new plan of representation on the regional school board of education may be established in accordance with the provisions of said sections.

(P.A. 75-644, S. 9, 14.)
See Sec. 10-63u.

Sec. 10-63s. Duties of secretary of state board of education. Actions of regional board to be by weighted vote.

(a) After the secretary of the state board of education has notified in writing a regional board of education and the chief executive officer of each town within a regional school district that representation on the regional board of education is not consistent with federal constitutional standards, the secretary shall keep informed of and assist in the progress toward establishment of a plan of representation. If the secretary determines that significant progress is not being made, such as the refusal of the legislative body of a town to appoint members to a regional school reapportionment committee, the refusal of a regional school reapportionment committee to submit a plan of representation which has the approval of the state board of education, the rejection of a plan by the voters of any participating town within a regional school district, or any other block in the progress toward establishing a plan of representation, the secretary shall notify in writing the regional board of education, the regional school reapportionment committee, if one has been appointed, and the chief executive officer of each participating town that unless significant progress toward the establishment of a plan of representation is made within thirty days of the date of such notice, the regional board of education shall be required to act only by weighted vote. If at the end of said thirty day period, the secretary determines that significant progress has not been made toward the establishment of a plan of representation, he shall notify the regional board in writing that after ten days from said notice, the regional board shall act only by weighted vote and after said specified date, the regional board shall be authorized or empowered to act only by weighted vote.

(b) As herein used in subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive, "weighted vote" means that the voting power on the regional board shall be distributed among the members in such a manner that each member shall have a weight attached to his vote, or shall be entitled to cast a number of votes, equal to the proportion, within permissible deviant limits consistent with federal constitutional standards, that the population of his town bears to the total population of the entire school district, with members on the board from each town dividing the weight or the number of votes accorded to that town equally among them. The state board of education shall adopt regulations to implement this manner of weighted vote.

(c) If within three months after the state board of education has specified the date after which the regional board can act only by weighted vote, a plan of representation has not been established for the regional school district, the state board of education shall establish a plan of representation for that regional school district and file it with the town clerk of each participating town. Said plan shall have the full force of law and shall remain in effect until a plan of representation has been adopted by the towns within the regional school district in accordance with the provisions of subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive.

(P.A. 75-644, S. 10, 14.)
See Sec. 10-63u.

Sec. 10-63t. Applicability of reapportionment requirements.

Notwithstanding the provisions of any general or special act or any compact adopted by referenda to establish a regional school district, the provisions of subsection (a) of section 10-46 and sections 10-63j to 10-63u, inclusive, shall apply to any regional school district in existence on the date specified in section 10-63u.

(P.A. 75-644, S. 12, 14.)
See Sec. 10-63u.

Sec. 10-63u. Effective date of reapportionment requirements of sections 10-46(a) and 10-63j to 10-63u, inclusive.

Subsection (a) of section 10-46 and sections 10-63j to 10-63t, inclusive, shall take effect thirty days after the final adjudication of the appeals from the decision by the United States District Court in the cases of Scott et al. v. Nonnewaug Regional School District No. 14 et al. and Baker et al. v. Regional High School District No. 5 et al., except that if the effect of the adjudication of said appeals is that representation on the subject regional boards of education does not violate the fourteenth amendment of the United States Constitution, said sections shall not become effective.

(P.A. 75-644, S. 14.)

Note: **The final adjudication of said appeals occurred on March 22, 1976, and therefore the amendment to section 10-46(a) and sections 10-63j to 10-63t, inclusive became effective April 21, 1976.**

PART IV

REGIONAL VOCATIONAL AGRICULTURE CENTERS

Sec. 10-64. Boards of education may establish regional vocational agriculture centers.

Any town or regional board of education may enter into agreements with other such boards of education to establish a regional vocational agriculture center in conjunction with its regular public school system, provided such center shall have a regional vocational agriculture consulting committee which shall advise the operating board of education but shall have no legal authority with respect to such center. Each board of education shall appoint to said committee two representatives, who have a competent knowledge of agriculture and who need not be members of such board.

(1955, S. 920d; 1967, P.A. 638, S. 1.)

Sec. 10-65. Grants to towns or districts operating centers.

A town or regional school district operating a vocational agriculture center approved by the state board of education for program, educational need, location and area to be served shall be eligible for the following grants: (a) Within the availability of funds, the total cost, in a single grant, of constructing and equipping approved facilities to be used exclusively for such vocational agriculture center, for the expansion or improvement of existing facilities or for the replacement or improvement of equipment therein, and (b) the total cost of operating the vocational agriculture center including the cost of instructing regular secondary school vocational agriculture students, out-of-school youth and adult students but excluding any capital outlay charges, less one-third the average per pupil cost of the previous year of operation of the secondary schools of the district with which the regional vocational agriculture center is associated times the average daily membership of the regular all-day vocational agriculture students. The board of education operating such center may charge tuition which shall not exceed the average per pupil expenditure of the previous year for all secondary school pupils in the receiving district and sending boards of education which maintain secondary school grades shall receive grants equal to one-half the tuition paid by them for vocational agriculture pupils in such grades.

(1955, S. 921d; 1961, P.A. 40; 1967, P.A. 638, S. 2.)

Sec. 10-66. Regulations.

The state board of education shall have authority to make such regulations as are necessary to carry out the purposes of this part and to insure reasonable economy in the vocational agriculture centers.

(1955, S. 923d.)

PART IVa

REGIONAL EDUCATIONAL SERVICE CENTERS

Sec. 10-66a. Establishment.

Commencing August 1, 1972, a regional educational service center may be established in any regional state planning area as defined in section 4-124b by four or more boards of education for the purpose of cooperative action by town or regional boards of education to furnish programs and services to the participating boards of education. Except where the pupil population is over fifty thousand in a given planning area, only one regional educational service center may be established in each area. In no case shall there be more than two educational service centers in any area. If, after the establishment of a regional educational service center, boards of education vote to withdraw so that fewer than four such boards are participating, the center shall cease to exist at the end of the subsequent fiscal year.

(1972, P.A. 117, S. 1.)

Sec. 10-66b. Operation and management. Board.

The operation and management of any regional educational service center shall be the responsibility of the board of such center to be composed of at least one member from each participating board of education, selected by such board of education. The board of the regional educational service center may designate from its membership an executive board which shall have such powers as the board of the regional educational service center may delegate and which are consistent with this part. The term of office of members of the board of the regional educational service center shall not exceed four years. Members of the board of the regional educational service center shall receive no compensation for services rendered as such, but may be reimbursed for necessary expenses in the course of their duties. The director of the regional educational service center shall serve as the executive agent of the board of the regional educational service center.

(1972, P.A. 117, S. 2.)

Sec. 10-66c. Powers of board of center.

The board of a regional educational service center shall be a public educational authority and shall have the power to sue and be sued, to receive and disburse prepaid and reimbursed federal, state, local and private funds, to employ personnel, to enter into contracts, to own real property, and otherwise to provide the programs, services and activities agreed upon by the participating boards of education to said boards of education and to nonpublic schools within the geographic area served by the regional educational service center. The board of a regional educational service center shall have authority, within the limits prescribed by this part and as specified by the written agreement of the participating members, to establish policies for the regional educational service center, to determine the programs and services to be provided, to employ staff including a director of the center, and to prepare and expend the budget. Notwithstanding the provisions of any other section of the general statutes, the board of a regional educational service center shall be eligible to receive direct reimbursement in accordance with the provisions of section 10-76g.

(1972, P.A. 117, S. 3; P.A. 75-431.)

Sec. 10-66d. Participation by boards of education and nonpublic schools.

Each board of education and nonpublic school in the area served by a regional educational service center may determine the particular programs and services in which it wishes to participate in accordance with the purpose of this part.

(1972, P.A. 117, S. 4.)

Sec. 10-66e. Payment of expenses.

The necessary administrative and overhead expenditures as determined by the board of the regional educational service center shall be shared jointly by the participating boards of education. In addition any participating board of education and nonpublic school shall be required to pay a pro-rated share of the costs of any program or service to which it subscribes. Any commitment made by a participating board of education or nonpublic school with a board of a regional educational service center in accordance with any provision of this part shall constitute a valid obligation within its appropriated or other available funds.

(1972, P.A. 117, S. 5.)

Sec. 10-66f. Participation in programs of other centers. Joint action by centers.

No provision of this part shall limit a board of education from purchasing a desired program or service from another regional educational service center or otherwise entering into an agreement with another board or boards of education to secure such program or service jointly. Any two or more regional educational service centers may join together to provide certain programs or services upon approval by the boards of the regional educational service centers involved.

(1972, P.A. 117, S. 6.)

Sec. 10-66g. Budget and projected revenues statement. Annual audit.

Each board of a regional educational service center shall submit a yearly budget and projected revenue statement to each participating board of education. The accounts and financial records of all boards of regional educational service centers shall be audited annually in the same manner as the accounts of town or regional boards of education and copies provided to each participating board of education.

(1972, P.A. 117, S. 7.)

Sec. 10-66h. Annual evaluation of programs and services.

Any board of a regional educational service center shall annually, following the close of the school year, furnish to each participating board of education an evaluation of the programs and services provided by the board of the regional educational service center.

(1972, P.A. 117, S. 8.)

Sec. 10-66i. Applicability of statutes. Receipt of prior payments and reimbursement funds.

All state statutes concerning education, including provisions for eligibility for state aid, shall apply to the operation of regional educational service centers insofar as they are relevant. The board of a regional educational service center shall be empowered to receive such prior payments and reimbursement funds, local, state or federal, as each participating town or regional board of education may authorize on its own behalf.

(1972, P.A. 117, S. 9.)

Sec. 10-66j. State board to encourage and assist centers.

The state board of education shall encourage the formation of regional educational service centers and shall furnish assistance to regional educational service centers in carrying out the provisions of this part.

(1972, P.A. 117, S. 10.)

Sec. 10-66k. Revocation of participation.

Any participating member of a board of a regional educational service center may revoke such participation by giving notice to such board of its intention to terminate its participation at least six months prior to the start of the fiscal year beginning July first.

(1972, P.A. 117, S. 11.)

Sec. 10-66l. Boards of education may join center within or outside area.

Boards of education within an area may join any regional educational service center established therein. Boards of education outside the area in which the center is located may join the center upon approval of a majority of the boards which are members of the center at the time the application to join is filed with the center.

(1972, P.A. 117, S. 12.)

PART V

SPECIAL SCHOOLS AND CLASSES

Sec. 10-67. Adult education; "Pupil clock hour" defined.

A "Pupil clock hour" means sixty minutes of participation by a pupil in a class or activity maintained under the provisions of sections 10-68 to 10-72, inclusive.

(1949 Rev., S. 1385.)

Sec. 10-68. Director of adult education.

The board of education of any town may appoint a director of adult education and shall fix and pay his compensation. The superintendent of schools of any town employing a director of adult education may, annually, before August first, certify to said state board the amount paid as salary to such director for the fiscal year next preceding, and the comptroller shall, upon application of the state board of education, draw an order on the treasurer in favor of such town for one-half the sum certified, provided not more than twenty-five hundred dollars shall be paid by the state for such purpose to any such board of education for any year.

(1949 Rev., S. 1386; 1957, P.A. 581, S. 1; 1967, P.A. 166, S. 1.)
Cited. 152 C. 568.

Sec. 10-69. Adult education.

As used in this section and section 10-71 and 10-73a: "Adult" means any person sixteen years of age or over who is no longer enrolled in school and "adult class" or "adult education activity" means a class or education activity designed primarily for adults. The board of education of each school district shall establish and maintain a program of adult classes for at least one hundred fifty clock hours per year, or shall provide adult education services for its adult residents through cooperative arrangements with another school district. No person enrolled in a full-time program of study in any local or regional school district may enroll in an adult education activity without the approval of the school principal of the school in which such person is enrolled in such full-time program. Instruction shall be provided in Americanization and United States citizenship and elementary and secondary school completion programs; and may be provided (1) in any subject provided by the elementary and secondary schools of such school district, upon the registration by or the request of at least fifteen adults; and (2) in any other subject or activity, upon the registration by or the request of at least fifteen adults.

(1949 Rev., S. 1387; 1961, P.A. 512, S. 1; P.A. 74-281, S. 1; P.A. 75-479, S. 5, 25; 75-576, S. 1.)

Sec. 10-70. Rooms and personnel.

The board of education in any town in which adult classes and activities are established shall provide rooms and other facilities for such classes, shall employ the necessary personnel therefor and shall have the powers and duties in relation to such classes and activities by law conferred on them in connection with other public schools.

(1949 Rev., S. 1388.)

Sec. 10-71. Reimbursement of school districts.

The board of education of any school district in which adult classes and activities are established and maintained under the provisions of section 10-69, or of any school district which provides such adult education services to the residents of another school district through a cooperative arrangement under said section, as approved by the state board of education, shall, annually, before August first, certify to the state board of education the aggregate number of pupil clock hours of attendance at such classes and activities within the fiscal year next preceding, and said state board shall request the comptroller to draw his order on the treasurer in favor of such board for an amount equal to the sum derived by multiplying together the average daily membership grant and the total number of certified pupil clock hours of instruction and dividing the resulting product by one thousand eighty, except that there shall be no payment for classes or activities offered pursuant to subdivisions (1) or (2) of section 10-69 unless the classes or activities are primarily for groups of handicapped persons or persons sixty-two years of age or over. No money shall be paid under the provisions of this section until such board of education has reported to the state board of education concerning the condition, progress and attendance at such classes and activities and said state board has notified the comptroller that such classes and activities have been maintained according to law and that the payments provided for herein are due.

(1949 Rev., S. 1389; 1957, P.A. 581, S. 2; 1961, P.A. 512, S. 2; 1967, P.A. 166, S. 2; P.A. 74-281, S. 2; P.A. 75-479, S. 6, 25; 75-576, S. 2.)
Cited 163 C. 537

Sec. 10-72. Exemption may be granted by state board.

If any board of education deems it inexpedient or impracticable, in any school year, to maintain classes or other educational activities under the provisions of sections 10-68 to 10-71, inclusive, and applies in writing to the state board of education to be relieved from such obligation, and if said state board, upon investigation, finds the application to be reasonable and so states in writing, such town board of education shall not be subject to the provisions of said sections.

(1949 Rev., S. 1390.)

Sec. 10-73. Schools for non-English speaking adults.

Section 10-73 is repealed.

(1949 Rev., S. 1391; 1961, P.A. 512, S. 3)
See Sec. 10-69.

Sec. 10-73a. Fees and charges. Exemptions. Adult Education. School activity fund.

(a) As used in this section: (1) "Sponsoring school district" means. in regard to any adult class or program of adult classes. the school district in which such class or program is established and maintained pursuant to section 10-69; and (2) "non-sponsoring school district" means. in regard to any adult class or program of adult classes. a school district which does not establish or maintain such class or program but which provides such class or program to its adult residents through a cooperative arrangement with the sponsoring school district pursuant to the provisions of section 10-69.

(b) Tuition or registration fees shall not be charged by a sponsoring school district to adult residents of such district enrolled in any adult class or program of adult classes required under section 10-69. Registration fees may be charged by a sponsoring school district to a non-sponsoring school district for any adult residents of such non-sponsoring district who are enrolled. through cooperative arrangements approved by the state board of education. in any adult class or program of adult classes maintained by such sponsoring school district and required by said section.

(c) The board of education of any sponsoring school district may charge a registration fee. not to exceed the estimated cost per student for residents of a non-sponsoring school district registered for any subject offered pursuant to subdivision (1) of section 10-69. and not to exceed eight dollars per subject for residents of such sponsoring school district registered for any such subject. except as provided in subsection (f) of this section.

(d) The board of education of any sponsoring school district may charge a registration fee equal to the estimated cost per student for any student registered for any subject or activity offered pursuant to subdivision (2) of section 10-69. except as provided in subsection (f) of this section.

(e) The board of education of any sponsoring school district may fix and collect a charge from any student for books and materials furnished such student in any adult class or activity or program of adult classes or activities. or may lend books or materials to any such student and require the making of deposits by such student. except as hereinafter provided and as provided in subsection (f) of this section. The amount of such deposit made by a student may be refunded to him upon the return of the books or materials lent him in good condition. No charge may be made by the board of education of any sponsoring school district to adult students who are enrolled in any program required under section 10-69. for books or materials furnished to such students for use in such program. provided such board of education may collect a charge from a non-sponsoring school district for any books or materials furnished to adult students who are residents of such non-sponsoring school district and are enrolled in any program required under said section 10-69 for use in such program.

(f) The board of education of any sponsoring school district shall not charge fees of any kind to handicapped adults. as defined by the state board of education. or persons sixty-two years of age or older registered for. or enrolled in. any adult program. class or activity required under section 10-69 or permitted by subdivision (1) or (2) of said section 10-69. provided such board may charge a non-sponsoring school district (1) a registration fee for any handicapped adult or any person sixty-two years of age or older who is a resident of such non-sponsoring district and who is enrolled. through cooperative arrangements approved by the state board of education. in any adult class or program of adult classes maintained by such sponsoring school district and required under section 10-69; (2) a registration fee not to exceed the estimated cost per student for any such person so registered for any subject offered pursuant to subdivision (1) of said section; (3) a registration fee equal to the estimated cost per student for any such person so registered for any subject or activity offered pursuant to subdivision (2) of said section; and (4) a charge for any books or materials furnished to any such person for use in any adult class or activity or program of adult classes or activities required under section 10-69 or permitted by subdivision (1) or (2) of said section 10-69.

(g) The board of education of any sponsoring school district which collects fees may establish and maintain in its custody an adult education school activity fund through which it may handle the finances of the adult education program as outlined in this section, said fund to be maintained and operated in conformance with the provisions of section 10-237.

(1961, P.A. 512, S. 4; P.A. 74-281, S. 3; P.A. 75-576, S. 3.)

Sec. 10-73b. Basic adult education programs.

(a) The state board of education shall initiate, encourage and operate programs of basic adult education for persons sixteen years of age and over whose inability to speak, read or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability. Such programs shall be designed to eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent upon others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment and to making them better able to meet their adult responsibilities.

(b) Any town or regional school district which provides programs or services of adult education which conform to the state plan approved under the provisions of the federal Adult Education Act of 1974 and which are approved by the state board of education shall be eligible to receive grants under this section as specified in the state plan. The state board of education may expend in any fiscal year for administration of programs established pursuant to this section, not more than five per cent of any state funds granted to said board for such programs.

(1969, P.A. 515, S. 1, 2; P.A. 75-143, S. 1, 2.)

Sec. 10-74. State aid for schools for non-English speaking adults.

Section 10-74 is repealed.

(1949 Rev., S. 1392; 1961, P.A. 512, S. 3.)

Sec. 10-74a. Summer courses. Charges.

The board of education of any town or regional school district may establish and maintain a program of courses of instruction during the summer months for school children on a voluntary basis and may charge for each child attending a reasonable fee not to exceed the cost of such program; except that such board of education may, in its discretion, waive such charge for any good and sufficient reason.

(1961, P.A. 208.)

Sec. 10-75. Educationally exceptional children.

Section 10-75 is repealed.

(1949 Rev., S. 1393; 1955, S. 925d; 1959, P.A. 520, 664, S. 1; 1961, P.A. 576, S-10.)
See Secs. 10-75a--10-75i.

Sec. 10-75a. Children requiring special education.

Section 10-75a is repealed.

(1961, P.A. 576, S. 1; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75b. Records of children. Services. Children excluded from school, when.

Section 10-75b is repealed.

(1961, P.A. 576, S. 2; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)
See Sec. 10-190.

Sec. 10-75c. Programs and services.

Section 10-75c is repealed.

(1961, P.A. 576, S. 3; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75d. State aid.

Section 10-75d is repealed.

(1961, P.A. 576, S. 4; 1963, P.A. 635, S. 1; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75e. State board to cooperate with other agencies.

Section 10-75e is repealed.

(1961, P.A. 576, S. 5; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75f. Mentally retarded children.

Section 10-75f is repealed.

(1961, P.A. 576, S. 6; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)
See Secs. 19-4d, 19-4f.

Sec. 10-75g. Physically handicapped children.

Section 10-75g is repealed.

(1961, P.A. 576, S. 7; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75h. Socially and emotionally maladjusted children.

Section 10-75h is repealed.

(1961, P.A. 576, S. 8; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75i. Receipt of gifts and bequests.

Section 10-75i is repealed.

(1961, P.A. 576, S. 9; February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75j. Contracts with sheltered workshops and rehabilitation centers.

Section 10-75j is repealed.

(February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-75k. State aid for regional educational facilities for trainable mentally retarded children.

Section 10-75k is repealed.

(February, 1965, P.A. 150, S. 1; 203, S. 1; 206, S. 1; 279, S. 1; 507, S. 1; 531, S. 1, 2; 1967, P.A. 627, S. 9.)

Sec. 10-76. Physically handicapped children; definition.

Section 10-76 is repealed.

(1949 Rev., S. 1394; 1961, P.A. 576, S. 10.)
See Sec. 10-75g.

Sec. 10-76a. Definitions.

Whenever used in sections 10-76a to 10-76j, inclusive, and 10-94a:

(a) "Secretary" means the secretary of the state board of education.

(b) "Child" means any person under twenty-one years of age.

(c) An "exceptional child" means a child who deviates either intellectually, physically, socially or emotionally so markedly from normally expected growth and development patterns that he is or will be unable to progress effectively in a regular school program and needs a special class, special instruction or special services.

(d) "Special education" means special classes, programs or services designed to meet the educational needs of exceptional children in accordance with the regulations of the secretary, subject to approval by the state board of education.

(e) "Children requiring special education" includes any exceptional child who (1) is mentally retarded, physically handicapped, socially and emotionally maladjusted, neurologically impaired, or suffering an identifiable learning disability which impedes his rate of development, which disability is amenable to correction or which rate of development may be improved by special education, or (2) has extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program.

(f) A "mentally retarded child" means one who, by reason of retarded mental development, is not capable of profiting from the educational programs of the public schools established for the normal child, but shall not include any child who requires custodial care, or does not have clean bodily habits, responsiveness to directions or means of intelligible communication; an "educable" mentally retarded child means one who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected from a child of twelve years of age but who can be expected to attain a level of intellectual functioning greater than that of a seven-year-old child; a "trainable" mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than that commonly expected of a seven-year-old child and who, for entrance into a public school special program, can walk, has clean bodily habits and is responsive to simple direction.

(g) A "physically handicapped child" is one who because of some physical handicap, as defined in regulations of the state board of education, requires special educational programs or services.

(h) A "socially and emotionally maladjusted child" or "neurologically impaired child" is one who is incapable of fully profiting from the general educational programs of the public schools because of some serious social or emotional handicap or an impairment of the nervous system, respectively, as defined by regulation by the state board of education, but who is expected to profit from special education.

(i) "School age children" are those who have attained the age at which the town must commence to provide educational opportunities pursuant to section 10-186.

(j) "Learning disabilities," "extraordinary learning ability" and "outstanding creative talent" shall be defined by regulation by the secretary, subject to the approval of the state board of education, after consideration by him of the opinions of appropriate specialists and of the normal range of ability and rate of progress of children in the Connecticut public schools.

(1967, P.A. 627, S. 1; 1969, P.A. 793, S. 1; P.A. 75-567, S. 60, 80.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76b. State supervision of special education programs and services. Regulations. Coordinating agency. Evaluation of programs.

(a) The state board of education shall provide for the development and supervision of the educational programs and services for children requiring special education and may regulate curriculum, conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and the requirements respecting necessary special services and instruction to be provided by town and regional boards of education. The educational aspects of all programs and instructional facilities in any day or residential child-caring agency or school which provides training for children requiring special education and which receives funding from the state under the provisions of sections 10-76a to 10-76g, inclusive, shall be subject to the approval and supervision of the state board of education which shall adopt and enforce regulations concerning requirements for such programs and accommodations.

(b) The secretary shall designate by regulation, subject to the approval of the state board of education, the procedures which shall be used to identify exceptional children.

(c) Said board shall be the agency for cooperation and consultation with federal agencies, other state agencies and private bodies on matters of public school education of children requiring special education, provided the full responsibilities for other aspects of the care of such children shall be reserved to such other agencies.

(d) The state board of education shall periodically evaluate the progress and accomplishments of programs covered by sections 10-76a to 10-76g, inclusive. Said board shall annually, on or before February first, review, with the joint standing committee on education of the general assembly, the disbursement of funds, the types of projects funded, and the evaluation of programs dealing with children requiring special education in order to apprise the general assembly of the true condition, progress and needs of special education.

(1967, P.A. 627, S. 2; 1971, P.A. 326; P.A. 73-319; P.A. 75-137; P.A. 76-408; 76-435, S. 78, 82.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-76c. Receipt and use of money and personal property.

The state board of education or any town or regional board of education may receive money, securities or other personal property by gift, devise or bequest to be used for the education of children requiring special education in accordance with the provisions of sections 10-76a to 10-76h, inclusive, or 10-94a and the wishes of the donor.

(1967, P.A. 627, S. 3.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76d. Duties and powers of boards of education to provide special education programs and services.

(a) In accordance with the regulations and procedures established by the secretary and approved by the state board of education, each town or regional board of education shall provide the professional services requisite to identification of school age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10-76a to 10-76h, inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the secretary may require, provided, in the case of any meeting conducted by a planning and placement team established in accordance with regulations issued by the state board of education, the parent or guardian of a child for whom such meeting is conducted shall be given at least three school days prior notice of such meeting and shall have the right to be present at and participate in all portions of such meeting at which an educational program for such child is discussed, developed or written. Immediately upon the formal identification of any child as a child requiring special education, the responsible town or regional board of education shall inform the parent or guardian of such child of the laws relating to special education. No school age child requiring special education shall be excluded or exempted from school privileges except with the express approval of the secretary based upon appropriate professional advice. Said secretary shall immediately report any child so excluded or exempted to any state agency responsible by law for any aspect of the welfare of such child.

(b) In accordance with the regulations of the state board of education, each town and regional school district shall: (1) Provide special education for school age children requiring special education who are described in subdivision (1) of subsection (e) of section 10-76a. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or reaches age twenty-one, whichever occurs first; (2) provide special education for children requiring special education who are described in subdivision (1) of subsection (e) of section 10-76a and who have not attained school age, but whose educational potential will be irreparably diminished without special education at an early age. The state board of education shall define the criteria by which the town or regional district shall determine whether a given child is eligible for special education pursuant to this subdivision, and such determination shall be made by the district when requested by a parent or guardian, or upon referral by a physician, clinic or social worker, provided the parent or guardian so permits. To meet its obligations under this subdivision, the board of education of any town or regional school district may, with the approval of the state board of education, make agreements with any private school, agency or institution to provide the necessary pre-school special education program, provided such private facility has an existing program which adequately meets the special education needs, according to standards established by the state board of education, of the pre-school children for whom such town or regional school district must provide such an education and provided such district does not have such an existing program in its public schools. The per pupil reimbursement by the state, pursuant to section 10-76g, for the costs incurred by any such school district for such pre-school special education through a private facility shall in no year exceed the average per pupil reimbursement by the state for the costs incurred by school districts for pre-school special education provided through the public facilities of such school districts.

(c) Each town or regional school district may provide special education for children requiring it who are described by subdivision (2) of subsection (e) of section 10-76a and for other exceptional children for whom provision of special education is not required by law.

(d) To meet its obligations under sections 10-76a to 10-76g, inclusive, any town or regional board of education may make agreements with another such board or subject to the consent of the parent or guardian of any child affected thereby, make agreements with any private school including any such school which does not place primary emphasis on programs for exceptional children but which provides an existing program, or which is willing and able to make accommodations within such an existing program or create a new program which can adequately meet the educational needs of the children for whom such agreements are being made, or with any public or private agency or institution to provide the necessary programs or services, but no expenditures made pursuant to a contract with a private school, agency or institution for such special education shall be reimbursable under the provisions of section 10-76g unless (1) such contract includes a description of the educational program and other treatment the child is to receive, a statement of minimal goals and objectives which it is anticipated such child will achieve and an estimated time schedule for returning the child to the community or transferring such child to another appropriate facility and (2) the educational needs of the child for whom such special education is being provided cannot be met by public school arrangements in the opinion of the secretary who, before granting approval of such contract for purposes of reimbursement, shall consider such factors as the particular needs of the child, the suitability and efficacy of the program offered by such private school, agency or institution, and the economic feasibility of comparable alternatives. Any town or regional board of education may enter into a contract with the owners or operators of any sheltered workshop or rehabilitation center for provision of an education occupational training program for children requiring special education who are at least sixteen years of age, provided such workshop or institution shall have been approved by the state board of education. Whenever any child is identified by a town or regional board of education as a child requiring special education and said board of education determines that the requirements for special education could be met by a program provided within the district or by agreement with another board of education except for the child's need for services other than educational services such as medical, psychiatric or institutional care or services, said board may meet its obligation to furnish special education for such child by paying the reasonable cost of special education instruction in a private school, hospital or other institution provided said board or the secretary concurs that placement in such institution is necessary and proper and no state institution is available to meet his needs.

(e) Any town or regional school district which provides special education pursuant to any mandates in this section shall provide such transportation, tuition, room and board and other items as are necessary to the provision of such special education except for children who are placed in a residential facility because of the need for services other than educational services, in which case the financial responsibility of the school district and reimbursement to such district shall be limited to the reasonable costs of special education instruction as defined in the regulations of the state board of education.

(f) On and after July 1, 1975, no additional children placed out primarily for special education services shall be placed in a private school, agency or institution outside of the state, except when in the opinion of the secretary of the state board of education it is determined that:

(1) No public or approved private facility which can reasonably provide suitable special education programs for such children is available in the state; (2) no public or approved private facility which can reasonably provide suitable special education programs for such children is available in the state and the out-of-state placement is required for a period of time not to exceed two years, during which time the town or regional school district responsible for providing such children with a special education shall develop a suitable special education program or cause such program to be developed within the state; or (3) an out-of-state placement is more economically feasible than an existing special education program in the state or any such program that could be developed within the state within a reasonable period of time. No placement in an out-of-state private special education school, agency or facility shall be approved unless such school, agency or facility first agrees in writing to submit to the state department of education any such financial program and student progress reports as the secretary may require for the purpose of making an annual determination as to the economic feasibility and program adequacy of the special education program provided. The provisions of this subsection shall not apply to children placed out primarily for services other than educational services as described in subsection (d) of this section.

(g) (1) Each town or regional board of education shall review annually and make a report as to the progress of each child for whom such board is obligated to provide a special education and who receives special education services in any private school, agency or institution and shall, upon request of the secretary, submit such reports to the state board of education. (2) Whenever a town or regional board of education determines that a child who has for three years received special education services in private facilities pursuant to subsection (d) of section 10-76d must receive such services from private facilities for an additional period of time, the state board of education, shall annually thereafter review the progress of such child prior to approving or disapproving for purposes of reimbursement, pursuant to subsection (d) of section 10-76d, any continuation of private placement, considering such factors as the educational and other needs of the child.

(1967, P.A. 627, S. 4, 11; 1969, P.A. 793, S. 2; P.A. 73-111, P.A. 75-255; 75-364; 75-521, S. 3, 6; 75-585; P.A. 76-310, S. 1, 2; 76-341.)

Town financially responsible for child in children's center. 30 CS 316. Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76e. State grants for cooperative regional special education facilities.

Any school district which agrees to provide special education, as part of a long-term regional plan approved by the state board of education, for children requiring special education who reside in other school districts shall be eligible to receive a grant in an amount equal to the net cost to such district of providing, constructing or reconstructing and equipping appropriate facilities to be used exclusively for children requiring special education, provided such facilities shall be approved by the state board of education and shall be an adjunct to or connected with facilities for children in the regular school program, except when the state board of education determines that separate facilities would be of greater benefit to the children participating in the long-term special education program. Such grants shall be in addition to any grant received pursuant to section 10-286. Application for grants under this section shall be made to the state board of education at such time and in such manner as said board may prescribe. Said board may make such a grant in an amount equal to one hundred per cent of the cost of the facilities less any other public or private grants for such purpose. Upon certification of completion of the building project by the secretary, the comptroller shall pay the sum granted to the town or regional school district in a lump sum.

(1967, P.A. 627, S. 5; 1969, P.A. 793, S. 3.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76f. Definition of terms used in formula for state aid for special education.

For the purposes of sections 10-76a to 10-76g, inclusive:

(a) "Per pupil cost" in a school district is the quotient of net current expenses, as defined in section 10-261, minus any state funds received under section 10-266c, divided by the number of children residing in and being educated at the expense of such district in average daily membership.

(b) "Special education instructional personnel" includes those employees of a board of education who, for at least one-half of their employment time, are assigned exclusively to the task of implementing or supervising special education programs. "Pupil personnel staff" includes those employees of a board of education who, for at least one-third of their employment time, are assigned exclusively to the task of identifying and implementing special education programs and services.

(c) "Special education equipment and materials" means such equipment and materials as are used primarily to implement special education in accordance with regulations made pursuant to said sections.

(d) "Special education tuition" means the tuition, board, room and other fees paid to another public or private school, agency or institution by a board of education to meet the educational needs of children requiring special education provided such payments have been pursuant to an agreement approved by the secretary, and any payments made by the board of education to supplement the expenditures for special education pursuant to section 10-94a, which have been approved by the secretary.

(e) "Special education transportation costs" are the amounts paid by a claimant town or regional board of education for transporting any child to and from any clinic, physician's office, agency or institution to which the board requests the child to go for the purposes of determining the need for special education and amounts paid for transporting such child to and from any school, agency or institution for the purposes of special education unless such transportation is on a bus which is transporting, at the same time, children in the standard educational program provided by the claimant board.

(f) "Special education rent" means any expenditure for rental of space or equipment to implement special education in accordance with regulations made pursuant to said sections.

(g) "Special education consultant services" means non-instructional services rendered concerning children requiring special education by professional persons other than employees of a board of education for programs approved pursuant to said sections.

(h) "Net cost of special education" means the result obtained by subtracting from the expenditures made by a claimant board for special education personnel, equipment, materials, tuition, transportation, rent and consultant services, (1) the product of the per pupil cost and the number of school age children residing in and being educated at the expense of such district whose instructional program is provided primarily, as determined by the secretary, by special education personnel and (2) the total amount of any funds from other state or federal grants, private grants or special education tuition received by it in such year and used to implement special education programs approved pursuant to said sections.

(i) On and after July 1, 1978, "net cost of special education" shall mean the result obtained by subtracting from the expenditures made by a claimant board for special education personnel, equipment, materials, tuition, transportation, rent and consultant services, (1) for each school age child eligible for special education pursuant to section 10-76a who resides in and is being educated at the expense of such district, the product of the per pupil cost and the percentage of the instructional program provided for such child by special education instructional personnel, as determined by such claimant board and approved by the secretary, and (2) the total amount of any funds from other state or federal grants, private grants or special education tuition received by it in such year and used to implement special education programs approved pursuant to said sections.

(j) There shall be established a committee consisting of sixteen members including eight persons appointed by the governor, of whom two shall represent the state department of education and two shall represent the state advisory council on special education, one shall represent the Connecticut association of boards of education, one shall represent the council of small towns, one shall represent the Connecticut conference of municipalities and one shall represent the Connecticut association of pupil personnel administrators and the senate and house chairmen and the ranking minority senate and house members of the joint standing committees on appropriations and education. Said committee shall study the anticipated impact of subsection (i) of this section and shall further study additional or necessary modifications to said subsection (i) including, but not limited to, (1) prior approval of programs, (2) allocations of full-time or part-time students and personnel for reimbursement purposes, and (3) regulatory authority. The committee shall, on or before December 1, 1976, present a report of its findings and recommendations, including, but not limited to, specific statutory changes necessary to implement such recommendations to the general assembly.

(1967, P.A. 627, S. 7; 1969, P.A. 793, S. 4; P.A. 75-521, S. 4, 6; P.A. 76-428, S. 1, 2.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76g. State aid for special education.

(a) Except as provided in subsection (b) of this section, any school district which provides special education, in accordance with regulations made pursuant to sections 10-76a to 10-76g, inclusive, and 10-94a, for any exceptional child shall be reimbursed in an amount equal to sixty-six and two-thirds per cent of its net cost of special education for the preceding fiscal year except as hereinafter provided; provided applications for such reimbursements shall be made not later than October first, and provided all such reimbursements shall be made not later than December fifteenth. In any case in which special education is being provided at a private institution to a child for whom no school district can be found responsible under subsection (b) of section 10-76d, the reimbursement herein provided for shall be payable to such institution and for such purpose such institution shall be considered a school district within the meaning of sections 10-76a to 10-76j, inclusive.

(b) Any town or regional school district which provides special education, in accordance with regulations made pursuant to this section or to sections 10-76a to 10-76f, inclusive, for any exceptional child who is under the care, supervision or guardianship of any agency of the state and who, as an alternative to placement in any health care facility or institution, as defined in section 19-73b, has been placed in a foster or group home within such school district, shall be reimbursed in an amount equal to one hundred per cent of its net cost of special education for the preceding fiscal year in those cases where the sum of the cost to the state for such child's foster or group home placement plus one hundred per cent reimbursement of the special education costs attributable to such child while in such foster or group home equals an amount less than the sum of the cost to the state for such child's placement in a health care facility or institution plus sixty-six and two-thirds per cent reimbursement of the special education costs attributable to such child while placed at such health care facility or institution. Application for such reimbursement shall be made not later than October first and all such reimbursements shall be made not later than December fifteenth.

(1967, P.A. 627, S. 8, 11; 1972, P.A. 182; P.A. 75-587, S. 1, 2.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-76h. *Choice of hearing by local board of education or mediation. Review by hearing board. Transcript of formal sessions. Appeal.

(a) (1) A parent or guardian of a child requiring special education under sections 10-76a to 10-76g, inclusive, and section 10-94a, or the commissioner of children and youth services, or his designee, on behalf of any such child in the custody of said commissioner, may request, in writing, of the board of education of the school district responsible for providing such special education, a hearing on and a review of: (A) Diagnosis, (B) evaluation of special educational programs provided for such child, or (C) the exclusion or exemption from school privileges of such child. The board of education of the school district shall grant the parent, guardian or said commissioner said hearing and review, in closed session, within ten days after receipt of the written request, and shall cause said hearing and review to be transcribed. A written copy of the decision of the board shall be sent to the parent, guardian or said commissioner within ten days of the hearing and review, together with a statement of the right of appeal. Any parent or guardian, or the commissioner of children and youth services aggrieved by the decision of the board may take an appeal therefrom within thirty days to the state board of education as provided in this section. In the event of an appeal, upon request and at the expense of the board of education of the school district, said board shall supply a copy of the transcript to the parent or guardian and to the state board of education.

(2) A parent or guardian of a child requiring special education under sections 10-76a to 10-76g, inclusive, and section 10-94a, or the commissioner of children and youth services, or his designee, on behalf of any such child in the custody of said commissioner, aggrieved by a decision made pursuant to subdivision (1) of this subsection by the board of education of the school district responsible for providing such special education may request, or the board of education of the school district responsible for providing such education may, with due cause, request in writing of the state board of education, a review of: (A) Diagnosis, (B) evaluation of educational programs provided for such child by the board of education of the school district, or (C) the exclusion or exemption from school privileges of such child by the board of education of the school district.

(b) (1) A parent or guardian of a child requiring special education under sections 10-76a to 10-76g, inclusive, and section 10-94a and the board of education of the school district responsible for providing such special education may, in lieu of the hearing provided in subdivision (1) of subsection (a) of this section, agree in writing to submit such matters to be reviewed to the secretary of the state board of education for mediation. Within fifteen days of the receipt of a request for mediation, signed by both parties, said secretary shall appoint a mediator, knowledgeable in the fields and areas significant to such educational review of such child, who shall attempt to work out a solution which is acceptable to both the local board and the parent or guardian of such child.

(2) If no agreement can be reached within fifteen days after the mediator first meets with the parties, such mediator shall certify in writing to the parties that mediation has not been successful and within fifteen days of such certification, either party may proceed in accordance with the provisions of subdivision (2) of subsection (a) of this section.

(c) The state board of education shall, on receipt of request for review made in accordance with the provisions of subdivision (2) of subsection (a) or (b) of this section, establish within thirty days a hearing board of not less than three persons knowledgeable in the fields and areas significant to such educational review of such child. Members of the hearing board may be employees of the state department of education or may be qualified persons from outside said department. No person who participated in the previous diagnosis, evaluation, or prescription of education programs or exclusion or exemption from school privileges under review, nor any member of the board of education of the school district under review, shall be a member of the hearing board.

(d) The hearing board shall, within thirty days, hear testimony of the party requesting said review and any other party directly involved, and shall review the previous diagnosis, evaluation, prescription of special educational services, and other education records of said child, which records shall be furnished by the board of education of the school district, and may hear such additional testimony as the hearing board shall deem relevant. Said hearing board may require a complete and independent diagnosis, evaluation and prescription of educational programs by qualified persons, the cost of which shall be paid by the board of education of the school district. Said hearing board shall cause all formal sessions of the hearing and review to be transcribed.

(e) The hearing board shall have the authority to confirm, modify, or reject any diagnosis, evaluation, educational program prescribed, or exclusion or exemption from school privileges and prescribe alternate special educational programs for the child, and shall inform the parent or guardian or the commissioner of children and youth services, as the case may be, and the board of education of the school district of its decision in writing within sixty days of its first meeting except that in any case in which the hearing board requires a complete and independent diagnosis and evaluation the hearing board shall render its decision within thirty days of completion of such diagnosis and evaluation, but, in any event, within one hundred twenty days of its first meeting. If the board of education of the school district responsible for providing special education for such child requiring special education does not take action on the findings or prescription of said hearing board within fifteen days after receipt thereof, the state board of education shall take appropriate action to enforce the findings or prescriptions of the hearing board. Appeal from the decision of the hearing board shall be to the court of common pleas for the county or district of residence of said child within thirty days from the date of receipt of said hearing board's decision. In the event of an appeal, upon request and at the expense of the state board of education, said board shall supply a copy of the transcript of the formal sessions of the hearing board to the parent or guardian or said commissioner and to the board of education of the school district.

(f) Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the state board of education

(1967, P.A. 627, S. 10; 1971, P.A. 667, S. 1--6; P.A. 73-556, S. 1--3; P.A. 75-94; 75-438; 75-493, S. 1--4.)
***See P.A. 76-436, S. 296 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 10-76i. Advisory council for special education.

(a) There shall be an advisory council for special education which shall advise the state board of education and the secretary thereof, and which shall engage in such other activities as are hereinafter set forth. Said advisory council shall be composed of fifteen members who are not officers or employees of the state board of education, and no more than four of whom may be employees of town or regional school districts. Said advisory council shall be composed of persons broadly representative of community organizations interested in children requiring special education as defined in section 10-76a, parents of such children, practicing members of the professions concerned with the educational needs of such children and members of the general public. The secretary of the state board of education shall appoint the members of said advisory council for three-year terms, except that, of those first appointed, five shall be appointed for terms of three years, five for terms of two years and five for terms of one year. Vacancies shall be filled for unexpired terms in the same manner as original appointments. Members of said advisory council shall serve no more than two consecutive three-year terms.

(b) Said advisory council shall elect annually its own chairman and other officers as deemed necessary. The designee of the secretary of the state board of education shall meet with and act as secretary to said advisory council. Members of said advisory council shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The state department of education shall provide secretarial and administrative assistance to facilitate the activity of said advisory council. The commission for higher education shall appoint a liaison person to said advisory council.

(c) Said advisory council shall (1) review periodically the regulations, standards and guidelines pertaining to special education and recommend to the state board of education any changes which it finds necessary, (2) comment on any new or revised regulations, standards and guidelines proposed for issuance, and (3) participate with the state board of education in the development of any state plan for provision of special education.

(d) Said advisory council shall review on or before February first annually with the joint standing committee on education of the general assembly the progress made by the state in serving those children requiring special education and any recommendations for the improvement of special education in the state.

(1972, P.A. 167; P.A. 73-323.)

Sec. 10-76j. Five-year plan for special education.

(a) The state board of education, utilizing present personnel only, shall make and keep current a five-year plan for the implementation of the special education policy set forth in sections 10-76a to 10-76h, inclusive, and other pertinent sections of the general statutes. The plan shall include: (1) A census of children requiring special education in the state, showing the total number of such children and the geographic distribution of such children as a whole; (2) an inventory of personnel and facilities available to provide instruction and other programs and services to children requiring special education; (3) an analysis of the present distribution of responsibility for special education between the state, including state institutions, and local and regional boards of education, together with recommendations for any changes in the distribution of responsibilities; (4) a formulation of goals, objectives and strategies necessary to achieve compliance with the special education law and to implement the various components of the plan required by this section; (5) a program for the recruitment, preparation and inservice training of professionals and paraprofessionals and supportive personnel in special education and allied fields, including participation by institutions of higher education, state and local agencies, and other appropriate public and private organizations; (6) procedures for identification, screening and diagnosis of children requiring special education and determination of the criteria for determining how such children are to be educated; (7) standards for the education in town and regional programs and in state institutions to be received by children requiring special education; (8) a program for the development, acquisition, construction and maintenance of classrooms, resource rooms and other facilities needed to implement fully the provisions of the special education law; (9) a policy on the roles of private schools and regional programs and services for children requiring special education; (10) a delineation of the roles of program personnel and the relationship of special education to the total education program; and (11) an analysis of the present formula and levels and patterns of financial support for special education and recommendations to insure the maximum use of funds to meet the educational needs of children requiring special education.

(b) The development of the state plan shall include the participation of representatives of state agencies and institutions, public and private colleges and universities, professional and parent groups and organizations, local school boards and other local government and civic organizations and the general public.

(c) The complete state plan shall be submitted to the governor and the joint standing committee on education of the general assembly not later than December 1, 1973.

(1972, P.A. 115, S. 1-3.)

Sec. 10-76k. (Formerly Sec. 10-76i). Development of experimental educational programs.

(a) The board of education of any school district, or any other public or private nonprofit organization or agency, may prepare and develop experimental educational plans and submit them to the state board of education, provided all such proposals coming from organizations other than a board of education shall be approved by the board of education of the school district before submission to the state board. Each such plan shall specify, describe and support with reasons the following: (1) The objectives of such plan; (2) the methods of evaluation to be employed; (3) the area to be served by and from which pupils will be drawn for the experimental educational project; (4) the policies, standards and methods to be employed in the selection of pupils; (5) the policies, standards and methods with respect to the operation of the project, including administrative organization, grouping of pupils, educational and instructional practices, the use and functioning of teachers and other instructional and supervisory personnel, choice of educational materials and equipment, allocation of curricular time and use of extra-school cultural facilities; (6) the site, size, design, estimated capital cost and method of financing of any school or other building, or specific standards and criteria for determining the same; (7) the expected sources of financial support together with estimates of the required annual budgets for the first two years of operation, exclusive of capital costs of land and buildings; (8) the policies and standards with respect to professional staff, including qualifications, estimated salary scales and methods of selection of professional personnel; and (9) provision for direct participation by members of the communities and students to be served by such experimental educational projects, in planning, policy-making and service function affecting such projects. The state board of education may accept, reject or modify any such experimental educational project, or it may request the revision and resubmission of such plan, if said board finds such plan does not conform to the educational interests of the state, as defined in section 10-4a and other sections of the general statutes. Acceptance of an experimental educational project by the state board of education shall constitute compliance of the plan with this and other sections of this title.

(b) The state board of education shall furnish assistance to all applicants in the planning and developing of projects under this section.

(c) All experimental educational projects conducted pursuant to subsection (a) of this section shall be evaluated at least annually. The state board of education shall, on or before February first annually, review with the joint standing committee on education of the general assembly all applications for projects, state board actions on such proposals, the current programs, evaluations of such programs, and such other information as said committee may require in order to inform itself about such programs.

(1969, P.A. 640; 1971, P.A. 430; P.A. 73-322.)

Sec. 10-76l. Annual evaluation of special education programs.

(a) Each town and regional board of education shall annually evaluate the progress and accomplishments of its programs conducted in accordance with the provisions of sections 10-76a to 10-76h, inclusive. Such boards shall submit annual evaluation reports to the secretary of the state board of education in order to apprise the state board of education of the true condition, progress and needs of special education in town and regional school districts.

(b) The secretary shall designate by regulation, subject to the approval of the state board of education, procedures which shall be used in preparing such annual evaluation reports.

(P.A. 75-521, S. 1, 6.)

Sec. 10-76m. Auditing of claims for special education assistance.

Claims by town and regional boards of education for reimbursement pursuant to section 10-76g shall be audited annually by certified public accountants to be retained by the state board of education, and certified copies of such audits shall be provided by said board to the state auditors of public accounts.

(P.A. 75-521, S. 2, 6.)

Sec. 10-76n. Special education resource center.

The state board of education shall continue to maintain the special education resource center, with federal funds granted to the state for the maintenance of said center under the provisions of the Federal Education for the Handicapped Act, for purposes consistent with the provisions of said act as it may from time to time be amended. The secretary of the state board of education is authorized to accept any federal funds allotted to the state for such purposes and shall administer such funds in accordance with federal law.

(P.A. 75-115.)

Sec. 10-77. State board to provide for education of physically handicapped children.

Section 10-77 is repealed.

(1949 Rev., S. 1395; 1961, P.A. 576, S. 10.)
See Sec. 10-75g.

Sec. 10-78. Requirements of state board; reports; employment of medical specialists.

Section 10-78 is repealed.

(1949 Rev., S. 1397; 1955, S. 927d; 1961, P.A. 576, S. 10.)
See Secs. 10-75b, 10-75c.

Sec. 10-79. Petition for establishment of class.

Section 10-79 is repealed.

(1949 Rev., S. 1398; 1961, P.A. 576, S. 10.)
See Sec. 10-75g.

Sec. 10-80. Reimbursement of towns for cost of educating physically handicapped children.

Section 10-80 is repealed.

(1949 Rev., S. 1396; 1955, S.926d; 1961, P.A. 63, S. 1; 576, S. 10.)
See Sec. 10-75d.

Sec. 10-81. Agreements between towns.

Section 10-81 is repealed.

(1949 Rev., S. 1399, 1955, S. 928d; 1961, P.A. 576, S. 10.)
See Secs. 10-75f(b), 10-75g, 10-75h.

Sec. 10-82. Gifts for special education.

Section 10-82 is repealed.

(1949 Rev., S. 1400; 1961, P.A. 576, S. 10.)
See Sec. 10-75i.

Sec. 10-83. Children with two defects.

Section 10-83 is repealed.

(1949 Rev., S. 1401; 1961, P.A. 576, S. 10.)
See Sec. 10-75d(c).

Sec. 10-84. Secretary of state board to approve exemptions from attendance laws.

Section 10-84 is repealed.

(1949 Rev., S. 1402; 1961, P.A. 576, S. 10.)
See Sec. 10-75b.

Sec. 10-85. Mentally handicapped children; definitions.

Section 10-85 is repealed.

(1953, S. 932d(a); 1957, P.A. 656, S. 1; 1959, P.A. 408, S. 8.)
See Sec. 10-75f.

Sec. 10-86. Provision of special schools or instruction. State aid.

Section 10-86 is repealed.

(1953, S. 932d(b); 1957, P.A. 656, S. 2; 1959, P.A. 408, S. 8.)
See Sec. 10-75a et seq.

Sec. 10-87. Right of children to school privileges.

Section 10-87 is repealed.

(1953, S. 932d(c); 1957, P.A. 656, S. 3; 1959, P.A. 408, S. 8.)
See Sec. 10-75b.

Sec. 10-88. Petition for program.

Section 10-88 is repealed.

(1953, S. 932d(c); 1957, P.A. 656, S. 4; 1959, P.A. 408, S. 8.)
See Sec. 10-75f.

Sec. 10-89. Teachers' qualifications. Medical and psychological services.

Section 10-89 is repealed.

(1953, S. 932d(d); 1957, P.A. 656, S. 5; 1959, P.A. 408, S. 8.)
See Secs. 10-75b, 10-75c.

Sec. 10-90. Requirements established by state board.

Section 10-90 is repealed.

(1953, S. 932d(e); 1957, P.A. 656, S. 6; 1959, P.A. 408, S. 8.)
See Sec. 10-75c.

Sec. 10-91. Cooperation of state board with federal and other agencies.

Section 10-91 is repealed.

(1957, P.A. 656, S. 7; 1959, P.A. 408, S. 8.)
See Sec. 10-75e.

Sec. 10-92. Education at Newington Children's Hospital.

Newington Children's Hospital shall maintain a program of education for the physically handicapped children under its control and care which shall be approved by the state board of education.

(1949 Rev., S. 1403; June, 1949, S. 929d.)

Sec. 10-93. Statement of costs of educational program.

As of July first, annually, Newington Children's Hospital shall submit to the state board of education on forms provided by said board a sworn statement of the costs of its approved educational program for the preceding fiscal year. For the purpose of this section, the costs of the approved educational program shall consist of the following: Teachers' salaries; school supplies; apportionment of administration expense, such as hospitalization insurance, compensation insurance, fire insurance, liability insurance and clerical work; housekeeping expense; porters' salaries and supplies; operation of plant; repairs and maintenance. Such operating expenses shall not include: Physical therapy; occupational therapy; speech therapy; recreation expense, or capital equipment required.

(June, 1949, S. 930d; 1957, P.A. 584, S. 1.)

Sec. 10-94. Grant to Newington Children's Hospital.

Annually, upon receipt of the statement of the costs of the approved educational program for the preceding year, the secretary of the state board of education shall certify said annual statement to the comptroller, who shall draw his order on the treasurer in favor of Newington Children's Hospital for a sum equal to two-thirds of said cost, provided the total amount paid to said hospital shall not in any year exceed eight hundred dollars per pupil in average daily membership in all grades from kindergarten through grade twelve.

(June, 1949, S. 931d; 1957, P.A. 584, S. 2; 1961, P.A. 461, S. 1, 3; 1963, P.A. 305; February, 1965, P.A. 589, S. 1.)

Sec. 10-94a. Out-of-state education of perceptually handicapped children.

After July 1, 1967, the state board of education may spend up to thirty-six hundred dollars per year per child for the purpose of sending children who have perceptual learning disabilities and for whom there are no facilities for education in this state to schools, institutions or other places outside this state which furnish proper facilities for education of such children, provided no such financial assistance shall be provided for any child other than one who was enrolled in an out-of-state school or institution pursuant to section 10-94a of the 1965 supplement to the general statutes before July 1, 1967. Such funds may be spent outside of the state for room, board, tuition and other items necessarily relevant to the education of such children. Said board may determine whether a given child should be so enrolled and may make any regulations necessary to implementation of this section. This section does not preclude the payment of funds by town or regional boards of education to supplement the expenditures provided by this section or enrolment of any child requiring special education in an out-of-state school or institution pursuant to section 10-76d and reimbursement for such costs pursuant to sections 10-76f and 10-76g.

(1959, P.A. 585; February, 1965, P.A. 295, S. 1; 1967, P.A. 627, S. 6; 1969, P.A. 793, S. 5.)
See Secs. 10-76a, 10-333.

Sec. 10-94b. Program for socially and emotionally maladjusted children at Children's Center. Personnel in teachers' retirement system.

(a) The Children's Center shall maintain a program of special education for the socially and emotionally maladjusted children who have been placed in the center for medical or psychiatric services or institutional care, which program has been approved by the state board of education. (b) Any person employed by The Children's Center in the approved special educational program may be or continue to be a member of the teachers' retirement system.

(1969, P.A. 571, S. 1, 5.)
Official name change was made by legislature after commencement of this action. 28 CS 468, 469.

Sec. 10-94c. Payment for children placed by commissioner of social services or other agencies.

(a) Children placed in The Children's Center by the commissioner of social services or from or by other agencies, persons or towns shall be entitled to the approved special educational program at The Children's Center, payment for which shall be made by the town from which such child came and under whose jurisdiction such child would otherwise be attending school if not placed in The Children's Center. Such payments shall be made annually at the per pupil cost rate as established by the state board of education for the period during which the child attended the special education program, notwithstanding any provision of this title to the contrary.

(b) As of July first, annually, The Children's Center shall submit to the state board of education, on forms provided by said board, a sworn statement of the cost of its approved special educational program for the preceding year. For the purpose of this subsection, the costs of the approved special educational program shall consist of the following: Salaries of administrators, teachers and other school personnel, school textbooks and supplies, and the custodial, maintenance, repair and operating expenses attributable to the school program.

(c) Annually, upon the receipt of the statement of the costs of the approved special educational program for the preceding year, the state board of education shall establish the per pupil cost for such approved special educational program which shall be applicable for the succeeding year.

(1969, P.A. 571, S. 2, 3, 4.)
Town financially responsible for child in children's center. 30 CS 316.

Sec. 10-94d. State board of education as custodian of special funds from government to center.

The state board of education shall act as custodian for any special funds from state or federal grants to The Children's Center.

(1969, P.A. 571, S. 6.)

Sec. 10-94e. Exemption of career education program students from certain labor laws while working therein.

(a) Notwithstanding the provisions of chapters 558, 567 and 568, any student enrolled in a supervised community based career education program which is approved by the state board of education shall not be covered by any state wage, workmen's compensation or unemployment compensation law while working in any government agency or any business or industrial establishment as part of his educational experience, provided such student shall receive no compensation or other benefit for his participation in such program.

(b) For purposes of this section, "career education program" means an alternative school or school without walls program designed to allow students to develop career awareness and orientation through exploration of their career interests. Such exploration includes, but is not limited to, permitting students to gain actual experience by working, without compensation but for school credit, in government agencies or in business or industrial establishments.

(P.A. 74-270, S. 1, 2.)

PART Va

SURROGATE PARENT PROGRAM

Sec. 10-94f. Definitions.

As used in sections 10-94f to 10-94k, inclusive: (1) "Surrogate parent" shall mean the person appointed by a juvenile court, upon the recommendation of the secretary of the state board of education, as a child's advocate in the educational decision-making process in place of the child's natural parents or guardian; (2) "the educational decision-making process" shall include the identification, evaluation, placement, hearing, mediation and appeal procedures provided for in this chapter; (3) "unavailable" shall include, but not be limited to, a parent or guardian who is committed to a mental institution, incarcerated or otherwise unable to act as the child's advocate in the educational decision-making process.

(P.A. 76-429, S. 1, 7.)

Sec. 10-94g. Procedure to petition juvenile court for the appointment of surrogate parent.

(a) When in the opinion of the secretary of the state board of education or his designee, a child, as defined in section 10-76a, may require special education and the parent or guardian of such child is unknown or unavailable or such child is a ward of the state, the secretary or his designee may petition the juvenile court in the district wherein such child resides for the appointment of a surrogate parent who shall represent such child in the educational decision-making process. The petition to the juvenile court shall be verified and shall include the child's name, date of birth, sex and residence, a statement explaining why the child meets the criteria for the appointment of a surrogate parent and the name of a proposed surrogate parent who is qualified to represent the child in the educational decision-making process.

(b) Upon the filing of a verified petition for the appointment of a surrogate parent, pursuant to subsection (a) of this section, the juvenile court shall cause a summons to be issued requiring the parents or parent or guardian of such child to appear in court for a hearing at the time and place named, which summons shall be served not less than seven days prior to the date of such hearing in the manner prescribed by section 17-61, and said court shall further give notice, not less than seven days prior to such hearing date, to the petitioner of the time and place the petition is to be heard. The cost of service of any such summons and any costs incurred in the giving of such notice shall be paid by the state board of education.

(P.A. 76-429, S. 2, 7.)

Sec. 10-94h. Appointment of surrogate parent.

Upon a finding by the juvenile court that the child on whose behalf a petition was filed pursuant to section 10-94g meets the criteria for the appointment of a surrogate parent, such court shall appoint a surrogate parent for such child who shall be the proposed surrogate parent named in the petition or, if the court determines that such proposed person shall not be the surrogate parent, another person recommended by the secretary of the state board of education, upon the request of the court to make another recommendation, and agreed upon by the court. Such appointment shall be effective until the child reaches eighteen years of age, provided the secretary of the state board of education, not less than thirty days prior to the child's eighteenth birthday, may petition the court for an extension of the original order until the child graduates from high school or reaches the age of twenty-one years, whichever occurs first, and further provided that the secretary may petition the juvenile court at any time for the replacement of the surrogate parent. Upon the filing of any such petition, the court shall cause a summons to be issued requiring the child and surrogate parent to appear in court at the time and place named, which summons shall be served not less than seven days prior to the date of the hearing in the manner prescribed by section 17-61, and said court shall further give notice, not less than seven days prior to such hearing date, to the petitioner of the time and place when the petition is to be heard. The cost of service of any such summons and any costs incurred in the giving of such notice shall be paid by the state board of education. If the surrogate parent resigns or dies or for any other reason is unable to continue as surrogate parent for the child, the secretary of the state board of education shall, if he deems the appointment of a successor surrogate necessary, petition the court in the same manner as provided in subsection (a) of section 10-94g and the court shall give notice to the parent, parents or guardian in the same manner as provided in subsection (b) of section 10-94g.

(P.A. 76-429, S. 3, 7.)

Sec. 10-94i. Rights and liabilities of surrogate parents.

The surrogate parent of any child appointed pursuant to section 10-94h shall have the same right of access as the natural parents or guardian to all records concerning the child, including, but not limited to, educational, medical, psychological and welfare records. No surrogate parent appointed pursuant to the provisions of said section 10-94h shall be liable to the child entrusted to him or the parents or guardian of such child for any civil damages which result from acts or omissions of such surrogate parent which constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, wilful or wanton negligence.

(P.A. 76-429, S. 4, 7.)

Sec. 10-94j. Regulations to establish qualifications and training procedures for surrogate parents.

The secretary of the state board of education shall promulgate regulations establishing qualifications and training procedures necessary for any surrogate parent appointed pursuant to section 10-94h. The state advisory council on special education shall monitor the administration of the provisions of sections 10-94f to 10-94k, inclusive.

(P.A. 76-429, S. 5, 7.)

Sec. 10-94k. Funding of surrogate parent program.

All costs incurred by the state pursuant to sections 10-94f to 10-94k, inclusive, shall be paid from funds available under P. L. 93-380, entitled "An Act to Extend and Amend the Elementary and Secondary Education Act of 1965 and for Other Purposes," as may from time to time be amended and provided that under no circumstances will any funds of the state be expended to implement the purposes of said sections.

(P.A. 76-429, S. 6, 7.)

PART VI

VOCATIONAL SCHOOLS AND REHABILITATION

Sec. 10-95. Vocational Schools.

The state board of education may establish, in towns best adapted for the purpose, public day and continuation schools, part-time schools and evening schools for instruction in the arts and practices of vocations and may maintain any such school already established. The board may make regulations controlling the admission of students to any such school. The board may appoint and remove members of the staffs of such schools and make rules for the management of and expend the funds provided for the support of such schools and, in its report to the governor, as provided in section 4-60, include a statement of the expenses thereof and a statement of the acts of said board in connection therewith. The board may enter into arrangements with establishments in which pupils of such schools may have opportunity to obtain practice and may make arrangements with boards of education controlling vocational schools and public high schools approved by said board, and said board may prescribe the conditions and regulations under which it shall make application to the comptroller for an order upon the treasurer for grants in aid of vocational or industrial arts education in such approved schools. When a state vocational school is first established under the provisions of this section, the public works commissioner may lease subject to the provisions of section 4-26b, upon the request of the state board of education, for not more than five years, rooms or buildings in which such school may be housed or it may acquire a site and erect, maintain and operate the necessary school plant to house such school. Any town in which a school has been established, or is to be established, under the provisions hereof, may appropriate such sum, in a meeting warned and held for such purpose, for maintenance or improvement or construction of such school and for leasing buildings or portions thereof as it determines. Any such town may purchase, receive, hold and convey any property, build and repair buildings or appurtenances, lay taxes and make contracts for the accommodation of such schools and may appoint a committee to act with the state board of education to conduct the same.

(1949 Rev., S. 1404, September, 1957, P.A. 11, S. 13; 1963, P.A. 203; 1967, P.A. 751, S. 3; P.A. 75-425, S. 27, 57.)
See Sec. 10-108a

Sec. 10-95a. Student activity programs at state regional vocational-technical schools.

(a) The state board of education shall establish a student activity program at each of the state regional vocational-technical schools. Such programs shall consist of athletic and non-athletic activities.

(b) Said board shall appoint, at each school, such staff as may be necessary and appropriate for such programs, including, but not limited to, a yearbook advisor, an intramural director, a student council advisor, a senior class advisor, an athletic director, and athletic coaches.

(P.A. 74-159, S. 1, 2.)

Sec. 10-95b. East shore career education center.

(a) The boards of education of Branford, East Haven, North Branford and Guilford and such other local boards of education from the neighboring towns as may wish to participate shall, in cooperation with the state board of education, establish a career education center. The cooperative arrangements for said center shall be made pursuant to subsection (b) of section 10-158a. Such arrangements shall provide for direct community participation and for the sharing of personnel for program development and supervision.

(b) (1) Said center shall provide a continuing career education program from grades kindergarten through twelve to promote career awareness, orientation and exploration. (2) To carry out the provisions of subdivision (1) of this subsection, the center shall (A) survey the career needs and interests of students, (B) survey employment opportunities within the area, (C) establish a career education resource center which shall operate in cooperation with such other groups and institutions as may develop similar centers and as may wish to participate and (D) coordinate career education counseling.

(c) (1) Said center shall offer career training opportunities on the secondary school level. The center shall develop and use modified teaching techniques and materials designed to meet the needs of students participating in the program, provided such techniques and materials shall meet the educational interests of the state as provided in section 10-4a. (2) The goal of the program shall be to combine academic subjects and vocational training while allowing students to maintain as much contact as possible with their local high schools. (3) The center shall be eligible for transportation grants pursuant to section 10-54.

(d) The center may acquire through purchase or lease such facilities as may be necessary, provided the program shall operate so as to assure maximum utilization of existing facilities and equipment in the participating school districts.

(e) The state board of education shall annually evaluate the progress of the center in meeting the career education needs of students and shall annually on or before February first submit a report of the findings and recommendations to the joint standing committee on education of the general assembly.

(P.A. 74-291, S. 1--5, 7.)

Sec. 10-95c. Vocational education extension fund.

The state board of education shall establish a vocational education extension fund. Said fund shall be used for the operation of the state evening vocational education extension program and for the purchase of such equipment as is required for use in the operation of said program. All proceeds derived from the operation of said program shall be credited to and become a part of the resources of said fund. All direct expenses incurred in the conduct of said program shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such operations may be charged, against said fund on order of the state comptroller. Any balance of receipts above expenditures shall remain in said fund to be used for said program and for the acquisition, as provided by section 4-26, alteration and repairs of real property for educational extension facilities, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided capital projects costing over fifty thousand dollars shall require the approval of the general assembly or, when the general assembly is not in session, of the finance advisory committee.

(P.A. 75-378, S. 1, 3.)

Sec. 10-95d. Fees for evening vocational education extension programs.

The state board of education shall fix the tuition fees to be charged students in the state evening vocational education extension program.

(P.A. 75-378, S. 2, 3.)

Sec. 10-96. Standards of approval and grants-in-aid for vocational schools and industrial arts programs. Evaluation of vocational and occupational programs.

(a) The state board of education shall establish standards under which it will approve town-operated vocational schools and industrial arts programs in junior high schools and high schools and prescribe the regulations under which towns shall receive grants-in-aid for such approved vocational schools and for the expansion and development of industrial arts programs.

(b) Said board shall evaluate periodically the progress, accomplishments and needs of programs provided for in sections 10-64 to 10-66, inclusive, 10-95, 10-96, 10-99, 10-266f and 10-286a and shall on or before February first of each year report its findings to the governor and the general assembly. Said board shall at such time report to the joint standing committee on education of the general assembly the disbursement of funds, the types of projects funded and evaluate projects authorized by said statutes.

(1949 Rev., S. 1405; 1963, P.A. 360; 1971, P.A. 383; P.A. 73-327.)
State board to establish standards for grants-in-aid. 163 C. 537.

Sec. 10-96a. Master plan for vocational and career education.

(a) The state board of education shall prepare, with the advice of the advisory council on vocational and career education, representatives of local and regional boards of education, state technical schools, regional community and technical colleges, labor, business and industry and any other individuals or groups said board shall deem appropriate, a five-year master plan for career and vocational education and shall submit said plan to the governor and the general assembly on or before February 15, 1976. Said master plan shall be revised biennially.

(b) The master plan shall include, but not be limited to, the following elements: (1) Goals for vocational and career education; (2) jurisdiction over vocational technical schools; (3) current financing practices and alternative methods of financing vocational and career education; (4) the number and location of schools and institutions providing vocational education; (5) the role and scope of each such school or institution; (6) distribution of enrolment; (7) utilization of existing facilities and the need for new facilities; (8) program distribution and the need for program revision, including termination of unproductive, obsolete or unnecessarily duplicative programs; (9) measures designed to improve opportunity in vocational and career education and measures designed to improve institutional responsiveness to projected work force needs to meet technological changes; and (10) transfer of students between schools or institutions providing vocational education and between programs within such schools or institutions.

(c) In implementing this section, the state board of education may request, and the state department of labor, the state department of commerce and the commission for higher education shall provide, such assistance as may be required by the state board and agreed upon by the board, the departments and the commission.

(P.A. 75-422, S. 1, 2.)

Sec. 10-97. Transportation to vocational schools.

The board of education of any town or, where the boards of education of constituent towns have so agreed, any regional school district shall provide the reasonable and necessary transportation of any student under twenty-one years of age who resides with his parents or guardian in such town or regional school district or who belongs to such town, and who attends a state or state-approved vocational school, other than a technical college, within such town or regional school district as a regular all-day student or as a high school cooperative student, and for any such student who attends any such school in a town other than the town of his residence, provided, when the cost of such transportation out-of-town would exceed the sum of two hundred dollars per year, said board of education may elect to maintain such student in the town where he attends such vocational school and for the cost of such maintenance the town or regional school district shall be reimbursed in the same manner and to the same extent as in the case of payment for transportation. In any town or regional school district in which no high school is maintained which furnishes vocational agricultural training approved by the state board of education, the board of education of such town or, if such town is a member of a regional school district, the board of education of such district shall designate a school or schools having such a course approved by the state board of education as the school which any person may attend who has completed an elementary school course through the eighth grade, and such town or such regional school district, as the case may be, shall pay the tuition and reasonable and necessary cost of transportation of any person under twenty-one years of age who attends the school or schools designated by such board of education as a pupil in vocational agriculture. In no case shall a town or regional school district board of education be required to expend for transportation or maintenance of any pupil more than four hundred dollars in any one school year. Any town or regional school district which transports students to a state or state-approved vocational school, other than a technical college, or school furnishing vocational agricultural training shall be reimbursed for a portion of such transportation as hereinafter provided. Where transportation is provided solely within the town of residence, the board of education thereof shall be reimbursed for fifty per cent of the cost of such transportation not to exceed an average of twenty dollars per pupil annually. The comptroller shall, annually, upon voucher of the secretary of the state board of education, draw his order on the treasurer in favor of any town or regional school district transporting vocational school or vocational agriculture pupils out of town, for a sum equal to one-half the amount paid by it for transportation under the provisions of this section and under such rules as may be prescribed by the state board of education, provided not more than an average of two hundred dollars per pupil shall be paid by the state for the transportation of such pupils. Application for such reimbursement shall be made by the several boards of education to the state board of education at such time and in such manner as said state board prescribes. The provisions of this section shall apply to a veteran who served in time of war, as defined by section 27-103, without regard to his age or whether or not he resides with his parent or guardian provided he is attending a state or state-approved vocational school, other than a technical college. The parents or guardian of any student or any veteran over twenty-one who is denied the reasonable and necessary transportation required in this section may appeal such lack of transportation in the same manner as is provided in sections 10-186 and 10-187.

(1949 Rev., S. 1406; 1951, 1953, S. 933d; 1957, P.A. 163, S. 20; 1959, P.A. 178, S. 1; 1961, P.A. 392; 1963, P.A. 445; 1967, P.A. 190, S. 1; 1969, P.A. 603, S. 1.)

Sec. 10-98. Vocational agricultural training.

Section 10-98 is repealed.

(1949 Rev., S. 1407; 1959, P.A. 178, S. 2.)
See Sec. 10-97

Sec. 10-99. Industrial fund.

The state board of education shall use the industrial fund, established in connection with its administration of vocational education, as a revolving fund in securing personal services, contractual services and materials and supplies, with such equipment as may be chargeable to the cost of a specific production contract, in the establishment and continuance of such productive work as vocational schools perform in connection with the board's educational program for such schools. Claims against the state in behalf of said board shall be paid by order of the comptroller drawn against said fund. The proceeds of all sales resulting from the productive work of the schools shall be paid into the state treasury and credited to said fund. Within ten months after the close of each fiscal period any balance, as of the close of such fiscal period, in excess of one hundred seventy-five thousand dollars, as shown by the inventory of manufactured articles, material on hand or in process of being manufactured, bills receivable and cash balance, after deduction of obligations, in the industrial fund shall revert to the general fund.

(1949 Rev., S. 1408; 1951, S. 934d; 1963, P.A. 116.)

Sec. 10-100. Vocational rehabilitation; definitions.

As used in sections 10-100 to 10-108, inclusive, (a) "handicapped individual" means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation; (b) "individual who is under a physical or mental disability" means an individual who has a physical or mental condition, exclusive of blindness, which materially limits, contributes to limiting or, if not corrected, will probably result in limiting his activities or functioning, including behavioral disorders characterized by deviant behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors; (c) "vocational rehabilitation service" means any goods and services, including diagnostic and related services, necessary to render a handicapped individual fit to engage in a gainful occupation and services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals; (d) "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to and gainful employment for handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services; (2) testing, fitting or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing pathology; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training in combination with other rehabilitation services; (10) evaluation or control of special disabilities; and (11) transitional or long-term employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; provided all medical and related health services shall be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the state; (e) "disadvantaged individual" means (1) a handicapped individual as defined in subsection (a) of this section; (2) an individual disadvantaged by reason of his youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment; and (3) a member of his family when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in subdivision (1) or (2); (f) "evaluation and work adjustment services" include, as appropriate in each case, such services as (1) a preliminary diagnostic study to determine that the individual is disadvantaged and has an employment handicap, and that services are needed; (2) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities and other pertinent data helpful in determining the nature and scope of services needed; (3) services to appraise the individual's patterns of work behavior and ability to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment; (4) any other goods or services provided to a disadvantaged individual, determined to be necessary for and which are provided for the purpose of ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals; (5) outreach, referral and advocacy; and (6) the administration of these evaluation and work adjustment services.

(1949 Rev., S. 1409; 1957, P.A. 557, S. 1; 1967, P.A. 337, S. 1; 1969, P.A. 449, S. 1.)
See note to Sec. 10-101.

Sec. 10-101. Rehabilitation division. Disbursement of funds.

The state board of education shall maintain a vocational rehabilitation division and shall disburse all funds provided for such rehabilitation, except for services to the blind. Said board shall appoint and, subject to the provisions of section 4-40, fix the compensation of such persons as may be necessary to administer the provisions of sections 10-100 to 10-108, inclusive, and may, within said division, create such sections as will facilitate such administration, including a disability determinations section for which one hundred per cent federal funds may be accepted for the operation of such section in conformity with applicable state and federal regulations.

(1949 Rev., S. 1410; 1957, P.A. 557, S. 2; February, 1965, P.A. 91.)

Secs. 10-100, 10-101. No duty on workmen's compensation commissioner to take any action under these sections. 135 C. 498.

Sec. 10-102. Eligibility for services.

(a) Vocational rehabilitation services shall be provided, directly or through public or private instrumentalities, to any handicapped individual and to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals (1) whose vocational rehabilitation the state board of education determines after full investigation can be satisfactorily achieved or for whom, after such full investigation, the need for service to determine the handicapped individual's potential to benefit from vocational rehabilitation service has been established or (2) who is eligible therefor under the terms of an agreement with another state or with the federal government. Evaluation and work adjustment services shall be provided, directly or through public or private instrumentalities, to any disadvantaged individual who has an employment handicap. Vocational rehabilitation services and evaluation and work adjustment services shall be provided at public cost. (b) If vocational rehabilitation services or evaluation and work adjustment services cannot be provided for all eligible handicapped individuals who apply for such services, the state board of education shall determine the order to be followed in selecting those to whom such services will be provided on the basis of the vocational rehabilitation or evaluation and work adjustment needs of the individuals applying therefor. (c) Nothing in section 10-100 or subsection (a) of this section shall be construed to preclude provision of vocational rehabilitation services to a handicapped individual to determine whether such individual may be rendered fit to engage in a gainful occupation through further provision of such services. For such diagnostic purpose vocational rehabilitation services may be rendered to such a person (1) for up to eighteen months if such person is mentally retarded, deaf, paraplegic or quadriplegic, or has a spinal cord injury or disease, heart disease, cancer, epilepsy, mental illness, cerebral palsy, brain damage, arthritis, muscular dystrophy, cystic fibrosis, renal failure, or has suffered a stroke, or (2) for up to six months if such person has a disability not enumerated above.

(1957, P.A. 557, S. 3; 1967, P.A. 337, S. 2, 3; 1969, P.A. 449, S. 2-4.)

Sec. 10-103. Powers and duties of board.

(a) In carrying out sections 10-100 to 10-108, inclusive, the state board of education shall cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of handicapped individuals, in studying the problems involved therein and in establishing, developing and providing such programs, facilities and services as it deems necessary or desirable.

(b) Subject to the approval of all real estate acquisitions by the public works commissioner and the state properties review board, in carrying out said sections, the state board of education may (1) establish, operate, foster and promote the establishment of rehabilitation facilities and make grants to public and other nonprofit and nonsectarian organizations for such purposes; (2) assist severely handicapped individuals to establish and operate small businesses; and (3) make studies, investigations, demonstrations and reports, and provide training and instruction, including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary, in matters relating to vocational rehabilitation.

(1957, P.A. 557, S. 4; 1969, P.A. 449, S. 5; P.A. 75-425, S. 28, 57.)

Sec. 10-104. Cooperation with federal government.

The state board of education is authorized to cooperate with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation, to adopt such methods of administration as it finds necessary for the proper and efficient operation of agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes to this state.

(1957, P.A. 557, S. 5.)

Sec. 10-105. Treasurer to receive and disburse federal funds.

The state treasurer is designated as the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation or any agreements authorized by sections 10-100 to 10-108, inclusive, and shall make disbursements from such funds and from all state funds available for vocational rehabilitation purposes, except for services to the blind, upon certification by the state board of education.

(1957, P.A. 557, S. 6.)

Sec. 10-106. Gifts for vocational rehabilitation.

The state board of education is authorized to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of sections 10-100 to 10-108, inclusive. Gifts made under such conditions as in the judgment of the state board of education are proper and consistent with the provisions of said sections may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift.

(1949 Rev., S. 1411; 1957, P.A. 557, S. 7.)

Sec. 10-107. Beneficiary's rights not assignable.

The right of a handicapped individual to maintenance under sections 10-100 to 10-108, inclusive, shall not be transferable or assignable at law or in equity.

(1957, P.A. 557, S. 8.)

Sec. 10-108. Information concerning beneficiaries confidential.

Any person who, except for purposes directly connected with the administration of the vocational rehabilitation program, solicits, discloses, receives or makes use of, or authorizes, knowingly permits, participates in or acquiesces in the use of, any name or list of names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from official sources or documents or acquired in the course of the performance of official duties, shall be fined not more than twenty-five dollars.

(1957, P.A. 557, S. 9.)

CHAPTER 166*

TEACHERS AND SUPERINTENDENTS

*School laws demonstrate adoption of public policy to provide good public schools, staffed by qualified teachers: that these teachers shall be secure in their employment save for circumstances affecting the quality of their work; and that, as an inducement to, and reward for, a long period of service, qualified teachers shall benefit from a comprehensive retirement system. 152 C. 151.

PART I**

TEACHERS

**Teacher may be discharged by the district, and, in absence of action by the district, may be discharged by the committee. 33 C. 304. If improperly discharged by the committee, the district may compel reinstatement. 33 C. 305, 306. General certificate of teacher is sufficient in any district of the town where issued. 36 C.282. Is not a public officer in ordinary sense of word; his wages are subject to attachment. 53 C. 509. Status of teacher, as to district. Id. Interest of town in moral fitness of teacher; may defend action brought against school officers for statements as to. 79 C. 237. Statement as to qualifications of teacher made in report of superintendent held privileged. 81 C. 293. Under former statute no certificate needed by teacher of music. 97 C. 430. History of statutes. 123 C. 519.

Sec. 10-145. Certificate necessary to employment. Renewal.

No teacher, principal, supervisor, supervising agent or school superintendent shall be employed in any of the schools of any town or regional district unless he possesses an appropriate state certificate, nor shall any of such persons be entitled to any salary unless he can produce such certificate dated previous to the opening of his school; provided nothing herein contained shall be construed to prevent the board of education from prescribing qualifications additional to those prescribed by the regulations of the state board of education and provided nothing herein contained shall be construed to prevent any local or regional board of education from contracting with a licensed drivers' school approved by the commissioner of motor vehicles for the behind-the-wheel instruction of a driver instruction course, to be given by driving instructors licensed by the motor vehicle department. All certificates issued under any act of the general assembly and in force July 1, 1935, shall be valid and shall be renewed upon the same conditions and by the same authority under which they were originally issued.

(1949 Rev., S. 1432; 1961, P.A. 517, S. 116; 1971, P.A. 456, S. 5.)

Cited. 96 C. 720. See note to Sec. 10-22. Certificate to teach or as superintendent is not "appropriate" certificate for principal or vice principal; certificate issued under old law continues valid even for new employee so far as it is appropriate for position; "new" teacher includes one formerly employed who has definitely severed connection with the schools. 123 C. 515. Cited. 138 C. 280; 152 C. 151. Teacher employed without an appropriate state certificate is illegally employed and cannot obtain tenure during this period. 167 C. 444.

Prevention of the issuance of a certificate by malicious or false representations is a legal wrong. 14 CS 28.

Sec. 10-145a. (Formerly Sec. 10-146.) Definitions. Intergroup relations programs.

(a) As used in this chapter, (1) "equivalent" means qualifications reasonably comparable to those specifically listed as required for certification, (2) "provisional certification period" means an initial period of no less than three years, during which the applicant for a standard teaching certificate performs the duties of a teacher, (3) "provisional teaching certificate" or "provisional certificate" means a license to teach during the provisional certification period, issued to a person who meets in full the preparation requirements of the state board of education, (4) "standard teaching certificate" or "standard certificate" means a license to teach issued to one who has successfully completed no less than three years of satisfactory teaching experience and fulfilled other requirements while holding a provisional certificate or its equivalent, (5) "one year" means one school year.

(b) The state board of education may, in accordance with section 10-19, and such regulations and qualifications as it prescribes, grant certificates of qualification to teach or to supervise in any public school in the state and may revoke the same. The certificates of qualification issued under this section shall be accepted by boards of education in lieu of any other certificate, provided additional qualifications may be required by a board of education, in which case the state certificate shall be accepted for such subjects as it includes. No certificate to teach or to supervise shall be granted to any person who has not passed a satisfactory examination in hygiene, and the effects of nicotine or tobacco, alcohol and drugs, as provided in subsection (a) of section 10-19.

(c) Any candidate in a program of teacher preparation leading to professional certification after July 1, 1977, shall be encouraged to successfully complete an intergroup relations component of such a program which shall be developed with the participation of persons of various ethnic, cultural and economic backgrounds. Such intergroup relations program shall have the following objectives: (1) The imparting of an appreciation of the contributions to American civilization of the various ethnic, cultural and economic groups composing American society and an understanding of the life styles of such groups; (2) the counteracting of biases, discrimination and prejudices; and (3) the assurance of respect for human diversity and personal rights. The state board of education, the commission for higher education, the commission on human rights and opportunities and the advisory board on state certification of teachers shall establish a joint committee composed of members of the four agencies, which shall develop and implement such programs in intergroup relations prior to July 1, 1976.

(1949 Rev., S. 1433; February, 1965, P.A. 140, S. 2; 1967, P.A. 555, S. 62; 1969, P.A. 753, S. 34; 1971, P.A. 370, S. 3; 1972, P.A. 204, S. 1, 2; P.A. 73-632, S. 1, 5; P.A. 74-331, S. 1, 7; P.A. 75-372, S. 3.)

See Secs. 10-19, 10-226f, 10-226g.

Cited. 138 C. 280; 152 C. 151. Subsection (b) Teacher's contract of employment over two five-year periods terminated on his failure to obtain the standard certificate. Renewal of his employment thereafter was illegal. 167 C. 444.

Sec. 10-145b. *Provisional and standard teaching certificates.

(a) On and after September 1, 1975, a person who has graduated (1) from a four-year baccalaureate program of teacher education as approved by the state board, or (2) from a four-year baccalaureate program approved by the state board or from a college or university accredited by the commission for higher education, provided such person has taken such teacher training equivalents as the state board of education shall require and, unless such equivalents are taken at institutions outside of this state, as the commission for higher education shall accredit, shall be granted upon proper application a provisional teaching certificate by the state board which shall be valid for ten years.

(b) During the period of employment, a person holding a provisional certificate shall be under the direct supervision of the superintendent of schools or of a principal, administrator or supervisor designated by such superintendent who shall regularly observe, guide and evaluate the performance of assigned duties by such holder of a provisional certificate as well as cooperate with and counsel such holder in accordance with the provisions of sections 10-145a to 10-145d, inclusive, 10-146b and subsection (a) of section 10-146f.

(c) To qualify for a standard certificate, a person holding a provisional certificate shall have completed thirty credit hours of course work beyond the baccalaureate degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of (1) a planned program at an approved institution of higher education or (2) an individual program which is mutually determined or approved by the teacher and the supervisory agent of the town or regional board of education or by the supervisory agent of a private school who is recognized by the state board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions of higher education and may include in-service programs sponsored by town or regional boards of education or approved private schools with the approval of the joint subcommittee of the commission for higher education and the state board of education established pursuant to section 10-155b. In the event of disagreement between the teacher and the supervisory agent over the determination of course work to be completed, either party may request the advisory board on state certification of teachers to resolve the matter.

(d) In not less than three years nor more than ten years after the issuance of a provisional certificate and upon the statement of the employing board of education that a provisional certificate holder has successfully completed course work pursuant to subsection (c) and has a record of competency in the discharge of his duties during such provisional period, the state board shall grant such certificate holder a standard teaching certificate. Competency shall be evidenced by a signed recommendation from the superintendent of schools for the town or regional school district or by the superintendent of a private school approved by the state board of education. Such recommendation shall state that the provisional certificate holder has successfully completed at least three years of satisfactory teaching in one or more town or regional school districts and that the final two years prior to eligibility for a standard certificate have been consecutive years of employment by such recommending town or regional school district or approved private school. The state board of education may revoke a standard certificate for any of the following reasons: (1) The holder of the certificate obtained such certificate through fraud or misrepresentation of a material fact; (2) the holder has persistently neglected to perform the duties for which certification was granted; (3) the holder is professionally unfit to perform the duties for which certification was granted; (4) the holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board continued certification would impair the standing of certificates issued by the board; or (5) other due and sufficient cause. Revocation shall be in accordance with procedures established by the state board of education pursuant to chapter 54.

(e) Within thirty days after receipt of notification, any provisional certificate holder who is not granted a standard certificate under the provisions of sections 10-145a to 10-145d, inclusive, 10-146b and subsection (a) of section 10-146f, may appeal to the state board of education for reconsideration. Said board shall review the records of the provisional certification period, hold a hearing within sixty days if such hearing is requested in writing and render a written decision within thirty days. Any teacher aggrieved by the decision of said board may within thirty days from the date of receipt of said board's decision take an appeal therefrom to the court of common pleas for the district of residence of such teacher and such appeal shall be accorded a privileged status on the docket and trial list.

(f) For the purposes of this section "supervisory agent" means the superintendent of schools or the principal, administrator or supervisor designated by such superintendent to provide direct supervision to a provisional certificate holder.

(g) Upon application to the state board of education for the issuance of a provisional or standard teaching certificate in accordance with this section there shall be paid to said board by or in behalf of the applicant a non-returnable fee of fifteen dollars, and with each request for a duplicate copy of such provisional or standard teaching certificate there shall be paid to said board a non-returnable fee of five dollars.

(P.A. 74-331, S. 2, 7; P.A. 76-373, S. 1, 2.)
***See P.A. 76-436, S. 470 for amendement, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 10-145c. Election of persons certified provisionally before July 1, 1974.

Any person holding a provisional certificate on July 1, 1974, may elect to qualify for the standard certificate either in accordance with regulations in effect on said date or under the provisions of sections 10-145a to 10-145d, inclusive, 10-146b and subsection (a) of section 10-146f.

(P.A. 74-331, S. 3, 7.)

Sec. 10-145d. State board regulations for teacher certificates.

The state board of education shall, pursuant to chapter 54, promulgate such regulations as may be necessary to carry out the provisions of sections 10-145a to 10-145d, inclusive, 10-146b and subsection (a) of section 10-146f.

(P.A. 74-331, S. 6, 7.)

Sec. 10-146.

Transferred to Sec. 10-145a.

Sec. 10-146a. Advisory board on state certification of teachers.

(a) Prior to the establishment by the state board of education, in accordance with the provisions of section 10-145a, of any new or revised regulations or standards affecting the issuance of any certificate of qualification to teach or to supervise in any public school in the state, said board shall seek and consider the advice and recommendations of the advisory board on state certification of teachers relative to any such regulations or standards. Such advisory board shall be comprised of fifteen persons chosen as follows: Nine full-time, practicing members of the teaching profession employed in the state, three current members of town or regional boards of education and three electors of the state. As a condition of eligibility for appointment and continued membership on such board: (1) Four of the professional members shall be teachers whose primary assignment involves spending a majority of their time as a teacher in classroom teaching at the elementary or secondary level; three of the professional members shall be engaged in administrative, supervisory or special services employment; one professional member shall be a member of the faculty engaged in a program of preparing teachers in The University of Connecticut or a state college, and one professional member shall be a member of the faculty engaged in preparing teachers in a private institution of higher learning in the state; (2) at the time of their appointment, one of the board of education members shall be serving in a school district with an average daily membership of less than five thousand, and the remaining two board of education members shall be serving in school districts with memberships greater than five thousand; (3) none of the three elector members shall be eligible for appointment under the above categories or be former members of the teaching profession or of boards of education. Five members of such board shall be appointed, for terms of three years each, annually, in January, by the governor, to whom may be submitted each December nominations for such appointments by any organization having an interest in problems related to the preparation and employment of teachers in the public schools of the state, except that seven appointments to such board shall be made in January, 1970, one of which terms shall expire in January, 1971, one in January, 1972, and five in January, 1973. Appointments to said committees shall be made in such manner that, in January, 1973, and annually thereafter, three members of the teaching profession, one board of education member and one elector shall be appointed for three-year terms.

(b) The function of the advisory board shall be to advise the state board of education and the department of education with respect to (1) the establishment of professional standards and policies pertaining to the certification of teachers, administrators, supervisors and special services personnel and (2) the procedures for the issuance and revocation of professional certificates for such personnel.

(c) Members of the advisory board shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The state department of education shall provide secretarial and administrative assistance to facilitate the activity of the board. The commission for higher education may appoint a consultant to the advisory board.

(1967, P.A. 560, S. 1-3; 1969, P.A. 376, S. 1.)

Sec. 10-146b. Extension of period to complete requirements for standard certificate.

Any person who holds a provisional teacher's certificate and who is unable to complete the requirements for a standard certificate within the period required by section 10-145b or 10-145c may appeal to said board for an extension of such period and said board, if it finds a hardship exists in the case of such person or if it finds an emergency situation because of a shortage of certified teachers in the municipality where such person is employed, may extend the period within which such person shall complete such requirements for such time as to said board seems reasonable, provided not more than one extension shall be granted to such person and, provided further, the record of such person is satisfactory under the provisions of sections 10-145a to 10-145d, inclusive, this section and subsection (a) of section 10-146f.

(1969, P.A. 250, S. 1; P.A. 74-331, S. 4, 7.)

Sec. 10-146c. Interstate agreement on qualification of educational personnel.

The interstate agreement on qualification of educational personnel is hereby enacted into law and entered into by this state with all states legally joining therein, in the form substantially as follows:

Article I
Purpose, Findings, and Policy

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II
Definitions

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

Interstate Educational Personnel Contracts

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contact committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

Approved and Accepted Programs

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

Agreement Evaluation

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

Article VII

Other Arrangements

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

Effect and Withdrawal

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

Construction and Severability

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

(1969, P.A. 269, S. 1.)

Sec. 10-146d. Secretary of state board as agent for state.

The secretary of the state board of education shall be the designated state official for this state. The secretary shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the state board of education.

(1969, P.A. 269, S. 2.)

Sec. 10-146e. Filing of contracts under agreement.

True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the office of the secretary of the state board of education and in the office of the secretary of the state. The state board of education shall publish all such contracts in convenient form.

(1969, P.A. 269, S. 3.)

Sec. 10-146f. Waiver of certification requirements for bilingual teachers.

(a) As used in this section: (1) A bilingual-bicultural program means a program designed for the education of persons who speak a native language other than English; (2) bilingual means the ability to use two languages fluently.

(b) A town board of education or regional board of education may request the state board of education for a waiver of certification requirements for a provisional teacher certificate for a teacher who is to teach full-time in a bilingual-bicultural program, provided such board shall have made a reasonable search without success for certified teachers capable of teaching bilingually. Such request shall certify that such teacher: (1) Will teach only in a bilingual-bicultural program; (2) is bilingual in the language used in such program and in English; (3) demonstrates experience, knowledge, or proficiency in the areas in which such teacher is to teach; (4) is of good moral character; (5) has had experience in working with non-English speaking persons; (6) has taught, or has other experience or qualifications which the town or regional board of education accepts as equivalent to teaching experience; (7) will receive special attention, in the form of supervision and other assistance by qualified persons. The state board of education shall, upon receipt of such request, waive all initial certification requirements for such teacher, provided that the applicant has graduated from a four year course of study at a post-secondary institution. In the event such institution was not located in the United States, it shall be necessary that the commission for higher education certify that such study is the equivalent of a baccalaureate degree in the United States. Such state board shall waive only the requirements for a provisional teaching certificate, and such teacher shall be required to fulfill all other requirements for a standard certificate. Any teacher employed by a town or regional board of education under the provisions of this section shall be employed by such board as if such teacher were a regularly certified teacher, and shall receive the salary and other benefits of such teachers.

(1971, P.A. 462, S. 1, 2; P.A. 74-331, S. 5, 7.)

Sec. 10-147. Kindergarten certificates.

Section 10-147 is repealed.

(1949 Rev., S. 1434; 1963, P.A. 196.)

Sec. 10-148. Teacher to have certificate.

Section 10-148 is repealed.

(1949 Rev., S. 1435; 1961, P.A. 517, S. 117.)

Sec. 10-149. Qualifications to teach physical education.

The state board of education shall adopt regulations fixing the qualifications of teachers in physical education, shall require all students at the state colleges who are preparing to teach to receive thorough instruction in such courses and shall provide such instruction for such students in attendance at the state summer schools as elect to take such instructions.

(1949 Rev., S. 1436; 1959, P.A. 411, S. 13.)
See Sec. 10-116a.

Sec. 10-150. School registers.

Section 10-150 is repealed.

(1949 Rev., S. 1437; 1963, P.A. 293, S. 2.)
See Sec. 10-150a.

Sec. 10-150a. School registers.

Section 10-150a is repealed.

(1963, P.A. 293, S. 1; 1971, P.A. 44.)

Sec. 10-151. *Employment of teachers. Notice and hearing on termination of contract.

(a) Any board of education may authorize the superintendent or supervising agent to employ teachers. Any superintendent or supervising agent not authorized to employ teachers shall submit to the board of education nominations for teachers for each of the schools in the town or towns in his jurisdiction and, from the persons so nominated, teachers may be employed. Such board shall accept or reject such nominations within thirty-five days from their submission. Any such board of education may request the superintendent or supervising agent to submit multiple nominations of qualified candidates, if more than one candidate is available for nomination, for any supervisory or administrative position, in which case the superintendent or supervisory agent shall submit such a list and may place the candidates on such list in the order in which such superintendent or supervisory agent recommends such candidates. If such board rejects such nominations, the superintendent or supervising agent shall submit to such board other nominations and such board may employ teachers from the persons so nominated and shall accept or reject such nominations within one month from their submission. The contract of employment of a teacher shall be in writing and may be terminated at any time for any of the reasons enumerated in subdivisions (1) to (6), inclusive, of subsection (b) of this section, otherwise the contract shall be renewed for a second, third or fourth year unless such teacher has been notified in writing prior to March first in one school year that such contract will not be renewed for the following year, provided, upon the teacher's written request, such notice shall be supplemented within five days after receipt of such request by a statement of the reason or reasons for such failure to renew. Such teacher may, upon written request filed with the board of education within ten days after the receipt of such notice, be entitled to a hearing before the board or, if indicated in such request and if designated by the board, before an impartial hearing panel established and conducted in accordance with the provisions of subsection (b) of this section, but without the right to appeal provided in subsection (f) of this section, such hearing to be held within fifteen days of such request. The teacher shall have the right to appear with counsel of his choice at such hearing.

(b) Beginning with and subsequent to the fourth year of continuous employment of a teacher by a board of education, the contract of employment of a teacher shall be renewed from year to year, except that it may be terminated at any time for one or more of the following reasons: (1) Inefficiency or incompetence; (2) insubordination against reasonable rules of the board of education; (3) moral misconduct; (4) disability, as shown by competent medical evidence; (5) elimination of the position to which the teacher was appointed, if no other position exists to which he may be appointed if qualified; or (6) other due and sufficient cause; provided, prior to terminating a contract, a board of education shall give the teacher concerned a written notice that termination of his contract is under consideration and, upon written request filed by such teacher with such board within five days after receipt of such notice, shall within the next succeeding five days give such teacher a statement in writing of its reasons therefor. Within twenty days after receipt from a board of education of written notice that contract termination is under consideration, the teacher concerned may file with such board a written request for a hearing, which shall be held within fifteen days after receipt of such request, either before the board of education or, if indicated in such request or if designated by the board, before an impartial hearing panel. The impartial hearing panel shall consist of three members appointed as follows: The board of education shall appoint one panel member, the teacher shall appoint one panel member, and those two panel members shall choose a third, who shall serve as chairperson. Within fifteen days after the hearing before an impartial hearing panel, such panel shall submit in writing its findings and a recommendation to the board of education as to the disposition of the charges against the teacher, and shall send a copy of such findings and recommendation to the teacher. The board of education shall give the teacher concerned its written decision within fifteen days of receipt of the written recommendation of the impartial hearing panel. Each party shall pay the fee of the panel member selected by it and shall share equally the fee of the third panel member and all other costs incidental to the panel's hearing. If the hearing is before the board of education, the board shall render its decision within fifteen days of such hearing, and shall send a copy of its decision to the teacher. Either hearing shall be public if the teacher so requests or the board so designates. The teacher concerned shall have the right to appear with counsel of his choice at either hearing, whether public or private. A copy of a transcript of the proceedings of either hearing shall be furnished by the board of education, upon written request by the teacher within fifteen days after the board's decision, provided the teacher shall assume the cost of any such copy. Nothing herein contained shall deprive a board of education of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in this section.

(c) For the purposes of this section, the term "teacher" shall include each employee of a board of education, below the rank of superintendent, who holds a regular certificate issued by the state board of education.

(d) The provisions of any special act regarding the dismissal or employment of teachers shall prevail over the provisions of this section in the event of conflict.

(e) After having had a contract of employment as a teacher renewed for a fourth year in any one municipality or school district, any teacher who leaves his employment as a teacher in such municipality or school district, and is subsequently re-employed in such municipality or school district or who is subsequently employed in any other municipality or school district shall become subject to the provisions of subsection (b) of this section after eighteen months of continuous employment, unless, prior to completion of the eighteenth month following commencement of the employment in such town, such teacher has been notified in writing prior to March first in accordance with the provisions of subsection (a) of this section that such contract will not be renewed for the following year irrespective of the duration of employment under the then existing contract beyond the date of said notification or unless, for a period of five or more years immediately prior to such subsequent employment, such teacher has not been employed in any public school within this state.

(f) Any teacher aggrieved by the decision of a board of education after a hearing as provided in subsection (b) of this section may appeal therefrom, within thirty days of such decision, to the court of common pleas for the county or judicial district in which such board is located. Such appeal shall be made returnable to said court in the same manner as is prescribed for civil actions brought to said court. Any such appeal shall be a privileged case to be heard by the court as soon after the return day as is practicable. The board of education shall file with the court a copy of the complete transcript of the proceedings of the hearing held by the board of education or by an impartial hearing panel for such teacher, together with such other documents, or certified copies thereof, as shall constitute the record of the case appealed from. The court, upon such appeal, shall review the proceedings of such hearing and shall allow any party to such appeal to introduce evidence in addition to the contents of such transcript, if it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. The court, upon such appeal and after a hearing thereon, may affirm or reverse the decision appealed from. Costs shall not be allowed against the board of education unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(1949 Rev., S. 1438; 1949, 1955, S. 938d; 1959, P.A. 625; 1961, P.A. 480; 556; February, 1965, P.A. 278; 1969, P.A. 532; 1971, P.A. 61; P.A. 73-456, S. 1, 2; P.A. 74-278, S. 3, 5; P.A. 75-435; 75-615.)

***See P.A. 78-436, S. 287 for amendemnt to subsection (f), effective July 1, 1978, relative to superior court jurisdiction.**

See Sec. 5-242(d).

Cited. 138 C. 280; 152 C. 148, 150, 151; id., 568. Subsection (b). Language of this subsection is clearly concerned with defining grounds for discharge of a teacher. Id., 150. Section says nothing about form of notice. 165 C. 671, 674. Subsections (a) and (b). Cited. 166 C. 189. Subsection (f). The right of appeal provided by this subsection applies only to teachers having tenure. 166 C. 189, 195. Subsection (b). Hearing re termination of teacher's contract under subsection (b) held a "contested case" in the meaning of section 4-166 (2). 167 C. 368. Right of appeal is granted by this section only to teachers who have tenure. 167 C. 444. Teacher employed who does not have appropriate state certificate is illegally employed and not entitled to the benefits of this section. 167 C. 444. Cited. 168 C. 435.

Cited. 9 CS 442. Injunction does not lie to prevent impending breach of contract. 12 CS 174. Board of education has broad powers in superintendence of school affairs. 14 CS 280. Subsection (a). To fulfill the intent and purpose of this subsection, a local board of education must exercise a sound and reasonable discretion in making decisions to renew or not to renew the contracts of nontenure teachers. 26 CS 104. Subsection (b). Cited. Id., 107, 108. A plaintiff working under a temporary emergency teaching certificate does not meet the technical requirements of tenure defined by subsection (b). Tenure is statutory, not contractual. 32 CS 264, 270.

Sec. 10-151a. Access of teacher to supervisory records and reports in personnel file.

Each professional employee certified by the state board of education and employed by the board of education of any town or regional school district shall be entitled to knowledge of, access to, and, upon request, a copy of supervisory records and reports of competence, personal character and efficiency maintained in his personnel file with reference to evaluation of his performance in such school district.

(1967, P.A. 464; P.A. 73-345.)

Sec. 10-151b. Evaluation by superintendents of certain educational personnel.

(a) The superintendent of each school district shall, in accordance with guidelines established by the state board of education for the development of evaluation programs and such other guidelines as may be established by mutual agreement between the town or regional board of education and the teachers' representative chosen pursuant to section 10-153b, continuously evaluate or cause to be evaluated each teacher. The superintendent shall report the status of such evaluations to the town or regional board of education on or before June first of each year. For purposes of this section, the term "teacher" shall include each employee of a board of education, below the rank of superintendent, who holds a certificate or permit issued by the state board of education.

(b) On or before January 1, 1975, each town or regional school district shall submit, in writing, to the state board of education a report on existing evaluation procedures and plans for implementing the guidelines established by the state board of education for development of local evaluation programs.

(P.A. 74-278, S. 1, 2, 5.)

Sec. 10-152. Discrimination in salaries of teachers.

No town or city or other municipality or board of education thereof shall discriminate on the basis of sex in the determination of the amounts to be paid or the payments to be made to persons employed as teachers in the public schools.

(1949 Rev., S. 1439.)
Cited. 152 C. 151.

Sec. 10-153. Discrimination on account of marital status.

No municipality or board of education thereof shall discriminate on the basis of marital status in the employment of teachers in the public schools or in the determination of the compensation to be paid to such teachers.

(1949 Rev., S. 1440.)
Cited. 152 C. 151.

Sec. 10-153a. Rights concerning professional organization and negotiations.

Members of the teaching profession shall have and shall be protected in the exercise of the right to form, join or assist, or refuse to form, join or assist, any organization for professional or economic improvement and to negotiate in good faith through representatives of their own choosing with respect to salaries and other conditions of employment free from interference, restraint, coercion or discriminatory practices by any employing board of education or administrative agents or representatives thereof in derogation of the rights guaranteed by this section and sections 10-153b to 10-153f, inclusive.

(1961, P.A. 562; 1969, P.A. 811, S. 1; P.A. 76-403, S. 1, 11.)
Cited. 162 C. 393, 578. By agreement on submission of question to arbitrator, Waterbury Board of Education waived objection to procedural limits of arbitration in teacher contract. 168 C. 54.

Sec. 10-153b. Selection of teachers' representatives.

(a) Whenever used in this section or in sections 10-153c to 10-153f, inclusive: (1) The "administrators' unit" means those certified professional employees in a school district who are employed in positions requiring an intermediate administrator or supervisor certificate, or the equivalent thereof, and are not excluded from the purview of sections 10-153a to 10-153g, inclusive. (2) The "teachers' unit" means the group of certified professional employees who are employed by a town or regional board of education in positions requiring a teaching or special services certificate and are not included in the administrators' unit or excluded from the purview of sections 10-153a to 10-153g, inclusive. (3) "Secretary" means the secretary to the state board of education. (4) "To post a notice" means to post a copy of the indicated material on each bulletin board for teachers in every school in the school district or, if there are no such bulletin boards, to give a copy of such information to each employee in the unit affected by such notice. (5) "Budget submission date" means the date on which a school district is to submit its itemized estimate of the cost of maintenance of public schools for the next following year to the board of finance in each town having a board of finance, to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, and otherwise to the authority making appropriations therein. (6) "Days" means calendar days.

(b) The superintendent of schools, assistant superintendents, certified professional employees who act for the board of education in negotiations with certified professional personnel or are directly responsible to the board of education for personnel relations or budget preparation, temporary substitutes and all non-certified employees of the board of education are excluded from the purview of this section and sections 10-153c to 10-153g, inclusive.

(c) The employees in either unit defined in this section may designate any organization of certified professional employees to represent them in negotiations with respect to salaries and other conditions of employment with the town or regional board of education which employs them by filing, during the period between March first and March thirty-first of any school year, with the board of education a petition which requests recognition of such organization for purposes of negotiation under this section and sections 10-153c and 10-153d and is signed by a majority of the employees in such unit. Within three school days next following the receipt of such petition, such board shall post a notice of such request for recognition and mail a copy thereof to the secretary. Such notice shall state the name of the organization designated by the petitioners, the unit to be represented and the date of receipt of such petition by the board. If no petition which requests a representation election and is signed by twenty per cent of the employees in such unit is filed in accordance with the provisions of subsection (d) with the secretary within the thirty days next following the date on which the board of education posts notice of the designation petition, such board shall recognize the designated organization as the exclusive representative of the employees in such unit for a period of one year or until a representation election has been held for such unit pursuant to this section and section 10-153c, whichever occurs later. If a petition complying with the provisions of subsection (d) is filed within such period of thirty days, the town or regional board of education shall not recognize any organization so designated until an election has been held pursuant to said sections to determine which organization shall represent such unit.

(d) Twenty per cent or more of the personnel in an administrators' unit or teachers' unit may file during the period between March first and April thirtieth of any school year with the secretary a petition requesting that a representation election be held to elect an organization to represent such unit. The secretary shall file notice of such petition with the town or regional board of education on or before the third school day following receipt of the petition. The secretary shall not divulge the names on such petition or any petition filed with him pursuant to this section to anyone except upon court order. Such notice shall state the name of the petitioning group, the unit for which an election is sought and the date the petition was filed. Within three school days after receipt of such notice, the town or regional board of education shall post a copy of the notice. Any organization interested in representing personnel in such unit may intervene within ten school days after the board posts notice of such petition by filing with the secretary a petition signed by ten per cent of the employees in such unit provided that any employee who signs more than one such petition between March first and April thirtieth in any one school year shall not be deemed to have signed any such petition. The secretary shall notify the town or regional board on or before the third day following receipt of the intervening petition, and such board shall post notice of the intervening petition within three days following receipt thereof. No intervening petition shall be required from any incumbent organization previously designated by the board or elected and such incumbent organization shall be listed on the ballot if a petition for a representation election is filed. The petitioning organization, the incumbent organization, if any, and any intervening organization may agree on an impartial person or agency to conduct such an election consistent with the other provisions of this section, provided not more than one such election shall be held to elect an organization to represent the employees in such unit in any one school year, except, however, if no organization receives a majority of the vote validly cast, the election shall not be deemed completed and within ten days after the initial election a run-off election shall be held. In the event of a disagreement on the agency to conduct the election, the method shall be determined by the board of arbitration selected in accordance with section 10-153c. The person or agency so selected shall conduct, between twenty and forty-five days after the first petition requesting an election is filed with the secretary, an election by secret ballot to determine which organization, if any, shall represent such unit, provided if no organization receives a majority of the vote validly cast, such election shall not be deemed completed and a run-off election shall be held within ten days after the initial election. The organizations participating in the representative election shall share equally in the cost incurred by the impartial person or agency selected to conduct the election. Such person or agency shall immediately report the results of the election to the secretary. If satisfied that the election has been conducted properly, the secretary shall certify that the organization receiving a majority of votes is the exclusive representative of the employees in such unit.

(e) The representative designated or elected in accordance with this section shall, from the date of such designation or election, be the exclusive representative of all the employees in such unit for the purposes of negotiating with respect to salaries and other conditions of employment, provided any certified professional employee or group of such employees shall have the right at any time to present any grievance to such persons as the town or regional board of education shall designate for that purpose. Whenever a multiple year contract is in effect, no representative election shall be held until two years of such contract have elapsed or until less than one year remains prior to the expiration date of such contract, whichever is sooner. The terms of any existing contract shall not be abrogated by the election or designation of a new representative. During the balance of the term of such contract the board of education and the new representative shall have the duty to negotiate pursuant to section 10-153d concerning a successor agreement. The new representative shall, from the date of designation or election, acquire the rights and powers and shall assume the duties and obligations of the existing contract during the period of its effectiveness.

(f) Any organization which has been designated or elected the exclusive representative of a unit which includes teachers and administrators shall continue to be the exclusive representative of such personnel upon expiration of the salary agreement in effect between such organization and the board of education employing such personnel on July 1, 1969, until or unless employees of such board of education in either of the units defined in this section initiate a petition for designation or election of an organization to represent them in accordance with the procedures set forth in this section and sections 10-153c to 10-153g, inclusive.

(February, 1965, P.A. 298, S. 1; 1967, P.A. 752, S. 1; 1969, P.A. 811, S. 2; P.A. 73-385, S. 1, 2; P.A. 76-403, S. 2, 11.)
Cited. 164 C. 348. Section applies to principals as well as teachers in nonadministrative positions. 164 C. 426, 436.
Organization chosen by employee teachers of defendant board of education short time prior to enactment of this statute was properly recognized by board as the exclusive teachers' representative hereunder. 27 CS 298. Act is permissive in nature, although some of its provisions are mandatory if act is employed. Act should be construed as operating prospectively not retroactively, no contrary intent clearly appearing. 27 CS 311. Cited. 28 CS 266.

Sec. 10-153c. Disputes as to elections.

Any dispute as to the eligibility of personnel to vote in an election, or the agency to conduct the election required by section 10-153b, shall be submitted to a board of arbitration for a binding decision with respect thereto. If there are two or more organizations seeking to represent employees, each may name an arbitrator within five days after receipt of a request for arbitration made in writing by any party to the dispute. Such arbitrators shall select an additional impartial member thereof within five days after the arbitrators have been named by the parties. The impartial agency selected to conduct the election shall decide all procedural matters relating to such election and shall conduct such election fairly. Each organization shall have, during the election process, equal access to school mail boxes and facilities.

(February, 1965, P.A. 298, S. 2; 1967, P.A. 752, S. 2; P.A. 76-403, S. 3, 11.)
Cited. 27 CS 298; 28 CS 266.

Sec. 10-153d. Meeting between board of education and fiscal authority required. Duty to negotiate.

(a) Within thirty days prior to the date on which the town or regional board of education is to commence negotiations pursuant to this section, such board of education shall meet and confer with the board of finance in each town having a board of finance, with the board of selectmen in each town having no board of finance, with the board of finance in each city having a board of finance, and otherwise with the authority making appropriations therein. A member of such board of finance, such board of selectmen, or such other authority making appropriations, shall be permitted to be present during negoitiations pursuant to this section and shall provide such fiscal information as may be requested by the board of education.

(b) The town or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, shall have the duty to negotiate with respect to salaries and other conditions of employment about which either party wishes to negotiate. Such negotiations shall commence not less than one hundred eighty days prior to the budget submission date. The board of education of any town school district shall file forthwith a signed copy of any contract with the town clerk and with the secretary of the state board of education. Any regional board of education shall file a signed copy of any such contract with the town clerk in each member town and with the secretary of the state board of education. Upon receipt of a signed copy of such contract the clerk of such town shall give public notice of such filing. The terms of such contract shall be binding on the legislative body of the town or regional school district, unless such body rejects such contract at a regular or special meeting called and convened for such purpose within thirty days of the filing of the contract. Any regional board of education shall call a district meeting to consider such contract within such thirty-day period if the chief executive officer of any member town so requests in writing within fifteen days of the receipt of the signed copy of the contract by the town clerk in such town. The body charged with making annual appropriations in any school district shall appropriate to the board of education whatever funds are required to implement the terms of any contract not rejected pursuant to this section. If the legislative body rejects such contract within such period, the parties shall renegotiate the terms of the contract in accordance with the procedure in this section. All organizations seeking to represent members of the teaching profession shall be accorded equal treatment with respect to access to teachers, principals, members of the board of education, records, mail boxes and school facilities and, in the absence of any recognition or certification as the exclusive representative as provided by section 10-153b, participation in discussions with respect to salaries and other conditions of employment.

(February, 1965, P.A. 298, S. 3; 1967, P.A. 752, S. 2; 1969, P.A. 811, S. 3; P.A. 73-391; P.A. 76-403, S. 4, 11.)

Good faith negotiation mandatory. 162 C. 577. Communication by school board with techers during negotiations, permissible. 162 C. 578. Collective bargaining is a constitutional right. 164 C. 348. Cited. 164 C. 426, 428. Mandamus action to obtain interpretation of collective contract and payment of sums to individual teachers precluded by existence of adequate remedies at law. 167 C. 513.

Cited. 27 CS 298. Equal treatment of all organization is not permitted once defendant was certified as exclusive representative of New Haven board of education employees pursuant to section 10-153b. 27 CS 422. Held, prior to 1969 amendement final decision as to teachers' salaries rested with ultimate budgetary control of board of finance and board of aldermen. 28 CS 265. Obligation to negotiate in good faith, when. 30 CS 63.

Sec. 10-153e. Strikes prohibited. Interference with the exercise of employees' rights prohibited. Hearing before state board of labor relations. Appeal. Penalty.

(a) No certified professional employee shall, in an effort to effect a settlement of any disagreement with his employing board of education, engage in any strike or concerted refusal to render services. This provision may be enforced in the superior court for any county in which said board of education is located by an injunction issued by said court or a judge thereof pursuant to sections 52-471 to 52-479, inclusive.

(b) The town or regional board of education or its representatives or agents are prohibited from: (1) Interfering, restraining or coercing certified professional employees in the exercise of the rights guaranteed in sections 10-153a to 10-153g; (2) dominating or interfering with the formation, existence or administration of any employees' bargaining agent or representative; (3) discharging or otherwise discriminating against or for any certified professional employee because he has signed or filed any affidavit, petition or complaint under said sections; (4) refusing to negotiate in good faith with the employees' bargaining agent or representative which has been designated or elected as the exclusive representative in an appropriate unit in accordance with the provisions of said sections; or (5) refusing to participate in good faith in mediation or arbitration. A prohibited practice committed by a board of education, its representatives or agents shall not be a defense to an illegal strike or concerted refusal to render services.

(c) Any organization of certified professional employees or its agents is prohibited from: (1) Interfering, restraining or coercing (A) certified professional employees in the exercise of the rights guaranteed in this section and sections 10-153a to 10-153c, inclusive, provided that this shall not impair the right of an employees' bargaining agent or representative to prescribe its own rules with respect to acquisition or retention of membership provided such rules are not discriminatory and (B) a board of education in the selection of its representatives or agents; (2) discriminating against or for any certified professional employee because he has signed or filed any affidavit, petition or complaint under said sections; (3) refusing to negotiate in good faith with the employing board of education, if such organization has been designated or elected as the exclusive representative in an appropriate unit; (4) refusing to participate in good faith in mediation or arbitration; or (5) soliciting or advocating support from public school students for activities of certified professional employees or organizations of such employees.

(d) As used in this section, sections 10-153a to 10-153c, inclusive, and section 10-153g, "to negotiate in good faith" is the performance of the mutual obligation of the board of education or its representatives or agents and the organization designated or elected as the exclusive representative for the appropriate unit to meet at reasonable times, including meetings appropriately related to the budget-making process, and to participate actively so as to indicate a present intention to reach agreement with respect to salaries and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation shall not compel either party to agree to a proposal or require the making of a concession.

(e) Whenever a board of education or employees' representative organization has reason to believe that a prohibited practice, as defined in subsection (b) or (c) of this section, has been or is being committed, such board of education or representative shall file a written complaint with the state board of labor relations and shall mail a copy of such complaint to the party that is the subject of the complaint. Upon receipt of a properly filed complaint said board shall refer such complaint to the agent who shall, after investigation and within ninety days after the date of such referral, either (1) make a report to said board recommending dismissal of the complaint or (2) issue a written complaint charging prohibited practices. If no such report is made and no such written complaint is issued, the board of labor relations in its discretion may proceed to a hearing upon the party's original complaint of the violation of this chapter which shall in such case be treated for the purpose of this section as a complaint issued by the agent. Upon receiving a report from the agent recommending dismissal of a complaint, said board of labor relations may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. Upon receiving a complaint issued by the agent, the board of labor relations shall set a time and place for the hearing. Any such complaint may be amended with the permission of said board. The party so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as said board may limit. Such party shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of said board any person may be allowed to intervene in such proceeding. In any hearing said board shall not be bound by technical rules of evidence prevailing in the courts. A stenographic or electronic record of the testimony shall be taken at all hearings of the board of labor relations and a transcript thereof shall be filed with said board upon its request. Said board shall have the power to order the taking of further testimony and further argument. If, upon all the testimony, said board determines that the party complained of has engaged in or is engaging in any prohibited practice, it shall state its finding of fact and shall issue and cause to be served on such party an order requiring it to cease and desist from such prohibited practice, and shall take such further affirmative action as will effectuate the policies of subsections (b) to (d), inclusive, of this section. Such order may further require such party to make reports from time to time showing the extent to which the order has been complied with. If upon all the testimony the board of labor relations is of the opinion that the party named in the complaint has not engaged in or is not engaging in any such prohibited practice, then said board shall make its finding of fact and shall issue an order dismissing the complaint. Until a transcript of the record in a case has been filed in the superior court, as provided in subsection (g) of this section, said board may at any time, upon notice, modify or set aside in whole or in part any finding or order made or issued by it. Proceedings before said board shall be held with all possible expedition. Any party who wishes to have a transcript of the proceedings before the board of labor relations shall apply therefor. The parties may agree on the sharing of the costs of the transcript but, in the absence of such agreement, the costs shall be paid by the requesting party.

(f) For the purpose of hearings pursuant to this section before the board of labor relations said board shall have power to administer oaths and affirmations and to issue subpoenas requiring the attendance of witnesses. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court, upon application by said board, shall have jurisdiction to order such person to appear before said board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Complaints, orders and other processes and papers of the board of labor relations or the agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before said board or the agent shall be paid the same fees and mileage allowances that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. All processes of any court to which an application or petition may be made under this chapter may be served in the county wherein the person or persons required to be served reside or may be found.

(g) (1) The board of labor relations may petition the superior court for the county wherein the prohibited practice in question occurred or wherein any party charged with the prohibited practice resides or transacts business, or, if said court is not in session, any judge of said court, for the enforcement of an order and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of said board. Within five days after filing such petition in the superior court, said board shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The superior court, or, if said court is not in session, any judge of said court, shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief, including temporary relief, as it deems just and suitable and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of said board. (2) No objection that has not been urged before the board of labor relations shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of said board as to the facts, if supported by substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before said board, the court may order such additional evidence to be taken before said board and to be made part of the transcript. The board of labor relations may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. (3) The jurisdiction of the superior court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the supreme court, on appeal, by either party, irrespective of the nature of the decree or judgement or the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court, and the record so certified shall contain all that was before the lower court. (4) Any party aggrieved by a final order of the board of labor relations granting or denying in whole or in part the relief sought may obtain a review of such order in the superior court for the county where the prohibited practice was alleged to have occurred or in the county wherein such party resides or transacts business by filing in the court, or, if said court is not in session, with any judge thereof, within two weeks from the date of such order, a written petition in duplicate praying that the order of said board be modified or set aside. The clerk of the superior court shall thereupon mail the duplicate copy to said board. The board of labor relations shall then file in said court a transcript of the entire record in the proceeding, certified by said board, including the pleadings, testimony and order of the board. Upon such filing said court or such judge shall proceed in the same manner as in the case of a petition by said board under this section and shall have the same exclusive jurisdiction to grant to the party such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order of said board. Unless otherwise directed by the court, commencement of proceedings under subdivisions (1) and (4) of this subsection shall not operate as a stay of such order. (5) Petitions filed under this subsection shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the superior court or supreme court under this chapter shall take precedence over all other matters, except matters of the same character.

(h) Subject to regulations to be made by the board of labor relations, the complaints, orders and testimony relating to a proceeding instituted under subsection (e) of this section may be available for inspection or copying. All proceedings pursuant to said subsection shall be open to the public.

(i) Any person who wilfully resists, prevents or interferes with any member of the board of labor relations or the agent in the performance of duties pursuant to subsections (e) to (i), inclusive, of this section shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(February, 1965, P.A. 298, S. 4; 1969, P.A. 811, S. 4; P.A. 76-403, S. 5, 11.)
Cited. 162 C. 393, 577. Section is constitutional. 164 C. 348.
Cited. 27 CS 298. Cited. 30 CS 63.

Sec. 10-153f. Mediation and arbitration of disagreements.

(a) There shall be an arbitration panel of not less than ten or more than twenty-five persons to serve as provided in subsection (c) of this section. The governor shall appoint before the first day of December in the year of his election ten persons to serve on such panel, and he may appoint additional persons to the panel at any time provided the total number of persons serving on the panel shall not exceed twenty-five. Each appointee shall serve until the last day of December following the first gubernatorial election after his appointment. Persons appointed to the arbitration panel shall serve without compensation but each shall receive a per diem fee for each day during which he is engaged in the arbitration of a dispute pursuant to sections 10-153a to 10-153g, inclusive. The parties to the dispute so arbitrated shall pay the fee in accordance with subsection (c) of this section.

(b) If any town or regional board of education cannot agree with the exclusive representatives of a teachers' or administrators' unit after negotiation concerning the terms and conditions of employment applicable to the employees in such unit, either party may submit the issues to the secretary for mediation. If on the one hundred twentieth day prior to the budget submission date, the parties have not reached agreement and have failed to initiate mediation, the secretary shall order the parties to appear before him to commence mediation. In either case, the parties shall meet with a mediator mutually selected by them, provided such parties shall inform the secretary of the name of such mediator, or with the secretary or his agents or a mediator designated by him. Mediators shall be chosen from a panel of mediators selected by the state board of education or from any other panel of qualified mediators. Such mediators shall receive a per diem fee determined on the basis of the prevailing rate for such services, and the parties shall share equally in the cost of such mediation. In any civil or criminal case, any proceeding preliminary thereto, or in any legislative or administrative proceeding, a mediator shall not disclose any confidential communication made to him in the course of his duties unless the party making such communication waives such privilege. The parties shall provide such information as the secretary may require. The secretary may recommend a basis for settlement but such recommendations shall not be binding upon the parties. Such recommendation shall be made within thirty days after the day on which mediation begins.

(c) (1) On the fourth day next following the end of the mediation session or on the ninetieth day prior to the budget submission date, whichever is sooner, the secretary shall order the parties to report their settlement of the dispute or, if there is no settlement, to appear before him. At such meeting the parties shall notify the secretary of the name of the single arbitrator mutually selected by them or shall notify him of the name of the arbitrator selected by each of them. Unless the parties have agreed to submit their dispute to a single arbitrator, their designated arbitrators shall select a third arbitrator within five days after such meeting with the secretary and shall notify the secretary of the name of such third arbitrator. If, at such meeting, either party fails to notify the secretary of the name of an arbitrator, the secretary shall designate an arbitrator to serve and the two arbitrators shall select a third. If in either case the two arbitrators fail to agree on the selection of a third arbitrator within five days after said meeting with the secretary, secretary shall select the third arbitrator. If both parties fail to select an arbitrator, the secretary shall recommend to the parties the names of three arbitrators and the parties shall mutually select one of those so recommended to arbitrate the dispute, provided that if the parties are unable to agree on the selection of such arbitrator, the secretary shall designate such arbitrator. Arbitrators may be selected from the panel appointed pursuant to subsection (a) of this section or from any other panel of qualified arbitrators, and shall receive a per diem fee determined on the basis of the prevailing rate for such services. Whenever a panel of three arbitrators is selected, the third arbitrator shall serve as chairman of such panel.

(2) The chairman of the arbitration panel or the single arbitrator shall set the time and place for a hearing to be held in the school district on the tenth day after such chairman or such single arbitrator is designated except that if such day is Saturday, Sunday or a holiday, the hearing shall be held on the next Monday or the day following the holiday. At least five days prior to such hearing, a written notice of the time and place of the hearing shall be sent to the board of education and the representative organization which are parties to the dispute, and, if a three member arbitration panel is selected, to the other members of such panel. Such written notice shall also be sent to the fiscal authority having budgetary responsibility or charged with making appropriations for the school district, and a representative designated by such body may be heard at the hearing as part of the presentation and participation of the board of education. At the hearing each party shall have full opportunity to submit all relevant evidence, to introduce relevant documents and written material, and to argue on behalf of its positions. The chairman of the arbitration panel or the single arbitrator shall preside over such hearing.

(3) The hearing may, at the discretion of the arbitration panel or the single arbitrator, be continued but in any event shall be concluded within twenty days after its commencement.

(4) After hearing all the issues, the arbitrators or the single arbitrator shall, within fifteen days, render a decision in writing, signed by a majority of the arbitrators or the single arbitrator, which states in detail the nature of the decision and the disposition of the issues by the arbitrators or the single arbitrator. The arbitrators or the single arbitrator shall file one copy of the decision with the secretary, each town clerk in the school district involved and the board of education and organization which are parties to the dispute. The decision of the arbitrators or the single arbitrator shall be advisory and shall not be binding upon the parties to the dispute. The parties shall each pay the fee of the arbitrator selected by or for them and share equally the fee of the third arbitrator or the single arbitrator and all other costs incidental to the arbitration.

(5) The secretary shall assist the arbitration panel or the single arbitrator as may be required in the course of arbitration pursuant to this section.

(6) If the day for filing any document required pursuant to this section falls on Saturday, Sunday or a holiday, the time for such filing shall be extended to the next business day thereafter.

(d) If after arbitration pursuant to this section, the parties have not settled their dispute, or if a contract is rejected pursuant to section 10-153d, the secretary shall order the parties to commence negotiations in accordance with the provisions of section 10-153d within fifteen days following receipt by the parties of the arbitration decision or within fifteen days following rejection of the contract.

(e) The secretary may, at any time following arbitration pursuant to this section, meet, separately or jointly, with members of the town or regional board of education, members of the representative organization, and members of the fiscal authority having budgetary responsibility or charged with making appropriations for the school district.

(f) The secretary and the arbitrators or single arbitrator shall have the same powers and duties as the board under section 31-108 for the purposes of mediation or arbitration pursuant to sections 10-153a to 10-153g, inclusive, and all provisions in section 31-108 with respect to procedure, jurisdiction of the superior court, witnesses and penalties shall apply.

(February, 1965, P.A. 298, S. 5; 1969, P.A. 811, S. 5; P.A. 76-403, S. 6, 11.)
Cited. 162 C. 393.
Cited. 27 CS 298. Arbitrators selected under this statute are all to be impartial. Former school board chairman and personal friend of superintendent of schools cannot serve as impartial member of board. 27 CS 421. Cited. 30 CS 63.

Sec. 10-153g. Negotiations concerning salaries and conditions of employment unaffected by special acts, charters, ordinances.

Notwithstanding the provisions of any special act, municipal charter or local ordinance, the provisions of sections 10-153a to 10-153f shall apply to negotiations concerning salaries and conditions of employment conducted by boards of education and certified personnel.

(1969, P.A. 811, S. 6.)
Cited. 162 C. 393, 577.

Sec. 10-153h. Appropriation.

Section 10-153h is repealed.

(1969, P.A. 811, S. 7; P.A. 76-403, S. 7, 11.)

Sec. 10-153i. Designation of statutory agent for service of process.

(a) (1) Each administrators' or teachers' representative organization shall file with the secretary a written designation, on such form as the secretary shall prescribe, of a statutory agent for service of process who shall be the statutory agent for all members of the administrators' unit or teachers' unit, as defined in subsection (a) of section 10-153b, who shall be (A) a natural person who is a resident of this state, or (B) a domestic corporation. (2) Each written appointment shall be signed by the president or vice president or secretary of the appointing organization. Each written appointment shall also be signed by the statutory agent for service therein appointed.

(b) If a statutory agent for service dies, dissolves, removes from the state or resigns, the organization shall forthwith appoint another statutory agent for service. If the statutory agent for service changes his or its address within the state from that appearing upon the record in the office of the secretary, the organization shall forthwith file with the secretary notice of the new address. A statutory agent for service may resign by filing with the secretary a signed statement in duplicate to that effect. The secretary shall forthwith file one copy and mail the other copy of such statement to the organization at its principal office. Upon the expiration of thirty days after such filing, the resignation shall be effective and the authority of such statutory agent for service shall terminate. An organization may revoke the appointment of a statutory agent for service by making a new appointment as provided in this section and any new appointment so made shall revoke all appointments theretofore made.

(P.A. 76-403, S. 9, 11.)

Sec. 10-153j. The making of service of process, notice or demand.

(a) Except for citations for contempt, any process, notice or demand in connection with any action or proceeding pursuant to subsection (a) of section 10-153e, to be served upon any member of an administrators' unit or any member of a teachers' unit as defined in subsection (a) of section 10-153b, may be served upon the statutory agent for service by any proper officer or other person lawfully empowered to make service. The person making service of such process, notice or demand shall immediately send a true and attested copy thereof by registered or certified mail to each person named in such process, notice or demand.

(b) If it appears from the records of the secretary that such an organization has failed to appoint or maintain a statutory agent for service, or if it appears by affidavit endorsed on the return of the officer or other proper person directed to serve any process, notice or demand upon such a statutory agent for service appearing on the records of the secretary that such agent cannot, with reasonable diligence, be found at the address shown on such records as the agent's address, service of such process, notice or demand may, when timely made, be made by such officer or other proper person by: (1) Leaving a true and attested copy thereof at the office of the secretary or depositing the same in the United States mails, by registered or certified mail, postage prepaid, addressed to such office, and (2) depositing in the United States mails, by registered or certified mail, postage prepaid, a true and attested copy thereof, together with a statement by such officer that service is being made pursuant to this section, addressed to such organization at its principal office and to each person named in such process, notice or demand.

(c) The secretary shall file the copy of each process, notice or demand received by him as provided in subsection (b) and keep a record of the day and hour of such receipt. Service made as provided in this section shall be effective as of such day and hour.

(P.A. 76-403, S. 10, 11.)

Sec. 10-154. Homes and transportation for teachers.

Any town, city, school district or other municipality may appropriate such sums as may be necessary to construct, lease and maintain a home for teachers employed by such municipality, and may provide transportation for such teachers to and from the schools in which such teachers are employed.

(1949 Rev., S. 1441.)
Cited. 152 C. 151.

Sec. 10-154a. Professional communications between teacher or nurse and student.

(a) As used in this section (1) "school" means a school which is included in section 10-160 and section 10-161 or a private elementary or secondary school attendance at which meets the requirements of section 10-184; (2) a "professional employee" means a person employed by a school who (A) holds a certificate from the state board of education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school; (3) a "student" is a person enrolled in a school; (4) a "professional communication" is any communication made privately and in confidence by a student to a professional employee of his school in the course of the latter's employment.

(b) Any such professional employee shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student but if such employee obtains physical evidence from such student indicating that a crime has been or is being committed by such student, such employee shall be required to turn such evidence over to school administrators or law enforcement officials, provided in no such case shall such employee be required to disclose the name of the student from whom he obtained such evidence and such employee shall be immune from arrest and prosecution for the possession of such evidence obtained from such student.

(c) Any such professional employee who, in good faith, discloses or does not disclose, such professional communication, shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed, and shall have the same immunity with respect to any judicial proceeding which results from such disclosure.

(1971, P.A. 261, S. 1-3; 1972, P.A. 64.)

Sec. 10-155. Emergency teacher training program.

The board of trustees for the state colleges may maintain an emergency training program to prepare graduates of approved four-year colleges and universities to teach in the elementary schools of the state. In carrying out such program the board may (a) establish regulations governing the admission of students to the program; (b) fix tuition rates to be paid by such students, and (c) enter into such contracts and agreements as it finds necessary to secure the necessary facilities.

(1949, S. 939d; 1959, P.A. 413, S. 1; 1969, P.A. 237, S. 1.)
Cited. 152 C. 151.

Sec. 10-155a. Cooperative arrangements for teacher training.

(a) As used in sections 10-155a to 10-155d, inclusive: "Local board" means any town or regional board of education; "eligible teacher training institution" means any institution of higher learning in the state which offers an approved program for preparation of teachers for public elementary or secondary schools; "probationary teacher" means a teacher who is not eligible for tenure under the provisions of subsection (b) of section 10-151; "experienced teacher" means a teacher who has tenure under the provisions of subsection (b) of section 10-151.

(b) The commission for higher education and the state board of education shall jointly establish and conduct a program to provide grants for cooperative arrangements between local boards of education and eligible teacher training institutions designed to provide effective clinical experience and in-service education for prospective, probationary and experienced public school teachers. Said commission and said board shall develop and promulgate guidelines concerning the submission of proposals describing cooperative arrangements for which grants are sought. Such guidelines shall specify the following conditions relative to any cooperative arrangement to be supported: (1) The cooperative arrangement shall be evidenced by a proposal jointly prepared and executed by one or more eligible teacher training institutions and one or more local boards of education; (2) such proposal shall describe the clinical experience or in-service education to be provided for prospective, probationary and experienced teachers which shall include, for prospective teachers, at least one period of sustained teaching practice of substantial duration, and which shall be cooperatively supervised by qualified professional personnel of both the teacher training institution and the local board of education; (3) such proposal shall contain an explanation of how the cooperative arrangement will further the objective of improving the effectiveness of the professional development of prospective, probationary and experienced teachers; and (4) such proposal shall contain a statement of the prevailing general policies and practices of the local board of education relative to the supervision of teaching practice by prospective teachers and teaching by probationary and experienced teachers, including a statement of the experience required or preparation provided for persons engaging in such supervision. The guidelines may specify such other conditions as are determined by said commission and said board to be necessary or desirable to fulfill the purposes of sections 10-155a to 10-155d, inclusive.

(1967, P.A. 761, S. 1, 2; P.A. 75-556, S. 1.)

Sec. 10-155b. Subcommittee and advisory committee for program.

(a) The commission for higher education and the state board of education may delegate to a joint subcommittee of their members the responsibility for establishing and conducting the program authorized by subsection (b) of section 10-155a and shall appoint an advisory committee of not less than ten qualified professional personnel from eligible teacher training institutions, both public and private, and local boards of education. The members of the advisory committee shall include persons who are active in the preparation of teachers for, and persons who are employed in, public elementary and secondary schools. The advisory committee shall advise and assist the commission for higher education and the state board of education in preparing the guidelines called for in said subsection (b) and in evaluating and selecting for grants the proposals for cooperative arrangements submitted thereunder. The members of the advisory committee shall receive reimbursement of their expenses incurred in so serving.

(b) Said commission shall provide the staff needed to carry out the program authorized by said subsection (b).

(c) Nothing in sections 10-153a to 10-155d, inclusive, shall be construed as establishing a new requirement for a certificate of qualification for persons serving as supervisors of teaching practice by prospective teachers or teaching by probationary or experienced teachers.

(1967, P.A. 761,S. 3; P.A. 75-556, S. 2.)

Sec. 10-155c. State grants.

Grants for cooperative arrangements authorized by subsection (b) of section 10-155a shall be provided on such terms and conditions as the commission for higher education and the state board of education determine to be advisable to fulfill the purposes of sections 10-155a to 10-155d, inclusive. Any such grant may be up to an amount equal to the full estimated cost to be incurred by the teacher training institution and by the local board of education in conducting and evaluating the cooperative arrangement. Such cost may include but is not limited to regular salaries or fractions thereof, together with associated retirement and other fringe benefits, for personnel of the teacher training institution and the local board of education; stipends for personnel of the local board of education engaged in supervision of prospective teachers, probationary teachers or experienced teachers; stipends for persons engaged to participate in seminars or workshops conducted as part of the cooperative arrangement; preparing or purchasing training materials, devices and equipment; travel; and communications. In awarding grants hereunder, said commission and said board shall give preference to (a) cooperative arrangements which will provide clinical experience and in-service education in public school serving children whose educational achievement has been or is being restricted by economic, social or environmental disadvantages; (b) projects which receive financial support from the federal government; (c) projects which focus on the professional development of teachers; and (d) projects which can be disseminated to other institutions and school districts of the state.

(1967, P.A. 761, S. 4; 1969, P.A. 230; P.A. 75-556, S. 3.)

Sec. 10-155d. Encouragement and study of teacher preparation. Report.

The commission for higher education shall encourage and support experimentation and research in the preparation of teachers for public elementary and secondary schools and shall continue the study and evaluation conducted pursuant to section 10-324a of the 1965 supplement to the general statutes. The commission shall make a report of its findings, which shall include a report by the commission and the state board of education on the program authorized by subsection (b) of section 10-155a, to the governor not later than November 15, 1968, and to the 1969 session of the general assembly. Said report shall include such legislative recommendation, the drafting of which shall be done with the assistance of the legislative commissioners' office, as the commission deems advisable to strengthen and improve the preparation of teachers for public elementary and secondary schools. To help fulfill the purposes of this section, the commission for higher education shall appoint an advisory council composed of qualified professionals which shall render assistance and advice to the commission. In carrying out its activities pursuant to this section, the commission shall consult with the state board of education, the Connecticut research commission, the Connecticut commission on aid to higher education and such other agencies as it deems appropriate to assure coordination of all activities of the state relating to the preparation of teachers for public elementary and secondary schools.

(1967, P.A. 761, S. 5.)

Sec. 10-155e. Development of programs to assist paraprofessionals to fulfill state certification requirements. Report to general assembly.

The commission for higher education, with the advice and assistance of the constituent units of the state system of higher education and such private institutions of higher education as elect to participate after notice thereof, shall develop programs for persons employed in the public schools as paraprofessionals, to assist such paraprofessionals to fulfill state teacher certification requirements. Said commission shall report its findings and recommendations to the joint standing committee on education of the general assembly on or before February 1, 1974.

(1971, P.A. 414; P.A. 73-324.)

Sec. 10-156. Sick leave.

Each professional employee certified by the state board of education and employed by the board of education of any town or regional school district shall be entitled to a minimum of sick leave with full pay of fifteen school days in each school year. Unused sick leave shall be accumulated from year to year, so long as the employee remains continuously in the service of the same board of education, and as authorized by such board, but such authorized accumulation of sick leave shall not be less than one hundred and fifty school days.

(1955, S. 940d; 1963, P.A. 353; February, 1965, P.A. 130; 1967, P.A. 247; 1969, P.A. 213.)
Cited. 152 C. 151.

Sec. 10-156a. Duty-free lunch period.

Each professional employee certified by the state board of education and employed by the board of education of any town or regional school district to work directly with children shall have a guaranteed duty-free period for lunch.

(1967, P.A. 465.)

Sec. 10-156b. Tenure and sick leave rights of teacher on regionalization of school and on dissolution of regional school district.

(a) In determining the rights and benefits earned by a teacher under section 10-151 and section 10-156, the establishment of a regional school district shall not be deemed to interrupt the continuous employment of a teacher who was employed by a local board of education of any of the towns comprising such district during the school year immediately prior to, or within which, such district is established and such teacher shall continue as an employee of the regional board of education, subject to the provisions of section 10-151.

(b) In determining the rights and benefits earned by a teacher under section 10-151 and section 10-156, the dissolution of a regional school district shall not be deemed to interrupt the continuous employment of a teacher who was employed by such regional board of education during the school year immediately prior to, or within which, such district is dissolved and such teacher shall continue as an employee of the local board of education of one of the towns which comprised such regional school district prior to dissolution, subject to the provisions of section 10-151.

(1969, P.A. 320, S. 1; P.A. 73-557.)

Sec. 10-156c. Military leave.

Each professional employee certified by the state board of education and employed by the board of education of any town or regional school district who is a member of the reserve corps of any branch of the armed forces of the United States, as defined by section 27-103, shall be entitled to absent himself from his duties or services while engaged in required field training in such reserve corps. No such employee shall be subjected by any person, directly or indirectly, by reason of such absence, to any loss or reduction of vacation or holiday privileges or be prejudiced by reason of such absence with reference to promotion or continuance in employment or to reemployment. The period of absence in any calendar year shall not exceed thirty days.

(1969, P.A. 788, S. 1.)

Sec. 10-156d. Reemployment after military leave.

Any professional employee certified by the state board of education and employed by the board of education of any town or regional school district who leaves such employment for the purpose of entering the armed forces of the United States, as defined in section 27-103, shall be reemployed by the board of education as hereinafter provided, provided he makes application for return to such employment within ninety days after he has received a certificate of honorable separation from the armed forces. The board of education shall employ such applicant in his former position and duties if such employment is available; and if not, shall employ such applicant in an equivalent position, if available; and if not, shall offer such applicant employment in any available position for which he is qualified. Any employee returning to the employ of the board of education of any town or regional school district as herein provided shall be credited with the period of such service in said armed forces to the same extent as though it had been a part of the term of employment by such board of education. This section shall not apply to any such employee who, because of voluntary reenlistment, has been absent from the employ of such board of education for a period of more than three years in addition to war service as defined in said section 27-103 or compulsory service and the ninety-day period as hereinbefore provided.

(1969, P.A. 788, S. 2.)

PART II

SUPERINTENDENTS AND SUPERVISING AGENTS

Sec. 10-157. Superintendents.

The board of education of each town shall provide for the supervision of the schools under its control by a superintendent or supervising agent. If any such board elects a superintendent, such election shall be by ballot, and the board shall fix the salary of the superintendent and his term of office, which shall not exceed three years. Such superintendent shall, at least three weeks before the annual town meeting, submit to the board a full written report of the proceedings of such board and of the condition of the several schools during the school year preceding, with plans and suggestions for their improvement, and shall perform such other duties as such board requires of him. Any town served by a supervising agent shall not be required to elect a superintendent. A majority vote of all the members of the board of education shall be necessary to an election. Such superintendent or supervising agent shall be the executive agent of the board.

(1949 Rev., S. 1442.)

Superintendent appointed for fixed term does not hold over de jure. 127 C. 426. Cited. 129 C. 191; 152 C. 568.

Superintendent of schools is not an employee to be hired by contract but a public officer to be elected. 10 CS 404.

Sec. 10-158. Superintendent for more than one town. Supervision districts.

Section 10-158 is repealed.

(1949 Rev., S. 1443; 1961, P.A. 544, S. 2.)

See Sec. 10-158a.

Sec. 10-158a. Superintendent for more than one town. Cooperative arrangements among towns.

(a) The boards of education of any two or more towns, or the board of education of any regional school district and one or more of the towns comprising the district, may jointly employ a superintendent of schools, and said superintendent of schools shall have the powers and duties for each of said boards as provided in section 10-157. Such boards of education shall specify in a written agreement the term of office of such superintendent, which shall not exceed three years, and the proportionate share and limits of authorized expenditures for the salary of such superintendent and other necessary expenses, and any other pertinent matters. (b) Any two or more boards of education may, in writing, agree to establish cooperative arrangements to provide special services, programs or activities to enable such boards to carry out the duties specified in the general statutes. Such arrangements may include the establishment of a committee to supervise such programs, the membership of the committee to be determined by the agreement of the cooperating boards. Such committee shall have the power, in accordance with the terms of the agreement, to (1) apply for, receive directly and expend on behalf of the school districts which have designated the committee an agent for such purpose any state or federal grants which may be allocated to school districts for specified programs, the supervision of which has been delegated to such committee, provided such grants are payable before implementation of any such program; (2) receive and disburse funds appropriated to the use of such committee by the cooperating school districts, the state or the United States, or given to the committee by individuals or private corporations; (3) hold title to real or personal property in trust for the appointing boards; (4) employ personnel; (5) enter into contracts, and (6) otherwise provide the specified programs, services and activities. Personnel employed by any such committee shall be subject to the provisions of the general statutes applicable to teachers employed by the board of education of any town or regional school district. (c) Any board of education may withdraw from any agreement entered into under subsection (a) or subsection (b) if, at least one year prior to the date of the proposed withdrawal, it gives written notice of its intent to do so to each of the other boards. If, upon withdrawal by one board of education, two or more boards of education continue their commitment to the agreement, such committee may continue to hold title to any real or personal property given to or purchased by the committee in trust for all the boards of education which entered the agreement, unless otherwise provided in the agreement or by law or by the grantor or donor of such property. Upon dissolution of the committee, any property held in trust shall be distributed in accordance with the agreement, if such distribution is not contrary to law.

(1961, P.A. 544, S. 1, 3; 1963, P.A. 449; February, 1965, P.A. 391, S. 1; 1967, P.A. 160, S. 1; 1969, P.A. 333, S. 1, 2.)

Former section cited. 152 C. 148.

Sec. 10-159. Supervisory service by state board of education.

(a) The board of education of any school district which employs not more than thirty-five teachers may petition the state board of education to provide supervisory service and said state board is authorized to appoint the necessary supervising agents and pay their salaries together with their necessary expenses, except as provided below. Each such agent shall discharge the duties of superintendent. Such agents may be assigned by said state board to two or more school districts. (b) Any school district which has been receiving services pursuant to subsection (a) of this section and which employs more than thirty-five teachers shall, upon request by the board of such district, continue to receive such services if the town served by the school district is participating in a temporary regional school study committee pursuant to subsection (b) of section 10-39 or a committee appointed pursuant to subsection (a) of section 10-47b for the purpose of studying the advisability of expanding an existing regional school district to include all programs provided to such town which are under the general supervision and control of the state board of education. Such services shall be discontinued upon the request of the school district or at the end of the school year in which the committee is dissolved or, if a regional school district is established in accordance with the recommendations of such a committee, when the responsibility of conducting the educational program is transferred to the regional board of education pursuant to section 10-46a (c) any regional school district empowered to provide for the member towns all programs under the general supervision and control of the state board of education shall, upon request, receive, for a period not to exceed two school years immediately following the establishment of such district, supervisory service from the state board of education if at least one of its member towns was receiving such services during the school year immediately preceding the establishment of such district.

(1949 Rev., S. 1444; 1969, P.A. 698, S. 23.)

Cited. 10 CS 404.

Sec. 10-159a. Election to receive grant in lieu of supervisory service.

Any local board of education or any regional board of education receiving supervisory service as provided for under section 10-159 may elect, in lieu of such service, to receive a grant equal to one-half of the total cost of operating such supervisory service by the state of Connecticut as of June 30, 1970, in such local school district or regional school district. If such supervisory service was, on said date, shared by a local or regional school district with one or more other school districts, such grant shall equal one-half of the electing district's pro-rata share of the total cost of such service. The local board of education or regional board of education shall notify the state board of education not later than September first of any year in which they wish to make the election. Any such grant shall continue to be payable only for such period as such school district or regional school district would be eligible for supervisory service under the provisions of section 10-159.

(1971, P.A. 861, S. 1; 1972, P.A. 193, S. 1.)

CHAPTER 167*

TEACHERS' RETIREMENT SYSTEM

*Cited. 116 C. 506; 136 C. 179. School laws demonstrate adoption of public policy to provide good public schools, staffed by qualified teachers; that these teachers shall be secure in their employment save for circumstances affecting the quality of their work; and that, as an inducement to, and reward for, a long period of service, qualified teachers shall benefit from a comprehensive retirement system. 152 C. 151.

Sec. 10-160. Definitions.

The following words and phrases, as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings: "Additional annuities" means payments for life derived from amounts received over and above six per cent salary contributions for credit to a member's annuity savings account, with regular interest thereon, such additional annuity contributions to be made at the voluntary election of the member. Such voluntary contributions for additional annuities shall be not less than one per cent of the member's salary; "Annual salary" means that amount paid by a board of education to a teacher, holding a certificate issued by the state board of education, during any school year as specified in the contract of employment or in the annual salary agreement, which amount shall include any sum paid to the teacher for services which involve a teaching, administrative or supervisory function, but shall not include any sum paid to the teacher for any extra duty assignments, coaching, unused sick leave, unused vacation or terminal pay. "Annuities" means payments for life derived from five per cent salary contributions received for credit to a member's annuity savings account, with regular interest thereon; "annuity fund" means the fund provided for in subdivision (2) of section 10-165; "annuity savings account" means the personal savings account, opened in the name of a teacher by the teachers' retirement board upon receipt of an approved application for membership in the teachers' retirement association, to which all amounts received for credit, including regular annual interest thereon, shall be recorded; "assessments" means the total annual payments to the annuity fund by members of the association; "creditable years of service" means all years of public school service as defined in this section and shall include, when a member has completed twenty years of public school service in this state, retirement credit for state employment as provided in section 10-172 and retirement credit for teaching at The University of Connecticut as provided in section 10-173; except that any paid retirement credit as provided in sections 10-172 and 10-173 shall be added to a member's years of public school service should he be retired on a disability or a proratable retirement allowance; "date of membership" means the date subsequent to September 1, 1917, from which a member has paid assessments and any interest due for Connecticut years of service; "expense fund" means the fund provided for in subdivision (1) of section 10-165; "formal application of retirement" means the following-entitled papers: "Member's Application," "Birth Certificate," or statement in lieu thereof, "Records of Service," when required by the teachers' retirement board to determine a salary rate or years of creditable service, "Legal Teacher's Certificate" and "Statement of Payment Plan" and, in the case of a disability retirement, there shall be filed also a physician's statement of health; "pension fund" means the fund provided for in subdivision (3) of section 10-165; "pensions" means payments for life derived from contributions from the state; "public school" means any day school conducted within or without this state under the orders and superintendence of a duly elected school committee or board of education or the state board of education, or the commission for higher education or any of its constituent units, or the university secondary school designated as the Edwin O. Smith School for which the board of trustees of The University of Connecticut acts as board of education; "regular interest" means interest, at the rate determined by the retirement board, and shall be substantially that which is earned by the funds of the retirement association compounded annually on the last day of December; "retirement allowance" means the annuity plus the pension; "retirement association" means the teachers' retirement association, as provided for in section 10-162; "retirement board" means the teachers' retirement board, as provided for in section 10-163; "retirement system" means the arrangement provided in this chapter for payment of annuities and pensions to teachers; "school year" means the twelve months from and including the first day of July of any year to and including the thirtieth day of June next succeeding; "supplemental annuities" means payments for life derived from one per cent salary contributions received for credit to a member's annuity savings account, with regular interest thereon; "survivorship and dependency fund" means the fund provided for in subsection (4) of section 10-165; "teacher" means any teacher, principal, supervisor or superintendent engaged in the service of the public schools, including any person who is engaged in teaching or supervising schools for adults if the annual salary paid for such service is equal to or greater than the minimum salary paid for a regular, full-time teaching position in the day schools in the town where such service is rendered, but excluding any person entering or reentering the public day school service of this state after July 1, 1961, who is employed as a substitute teacher for a period of less than one school year or who is employed as a regular teacher for less than an average of one-half of a school day; "years of public school service" means (a) all public or incorporated secondary school service which a teacher has rendered in this state subsequent to September 1, 1917, for which he pays assessments and any interest due, (b) all public and incorporated secondary school service rendered in this state prior to September 1, 1917, (c) all public school service rendered outside this state prior to July 1, 1929, when a teacher, whose years of public school service in this state began prior to July 1, 1929, will have completed twenty years of public school service in this state, (d) not more than ten years of out-of-the-state public school service for a teacher entering the Connecticut teachers' retirement association subsequent to July 1, 1929, if assessments and interest are paid in accordance with the provisions of section 10-166, (e) not more than ten years of out-of-the-state public school service rendered subsequent to July 1, 1929, by a reinstated member, if assessments and interest are paid in accordance with the provisions of section 10-166.

(1949 Rev., S. 1591; 1957, P.A. 470; 562, S. 1; 1961, P.A. 427; 485; 1963, P.A. 355; 421; February, 1965, P.A. 168, S. 1; 330, S. 46; 1967, P.A. 656, S. C. 1969, P.A. 168; 1971, P.A. 185.)

See Sec. 10-322.

Sec. 10-160a. Annual salary to include compensation for extra duty or coaching, when.

Notwithstanding the definition of "annual salary" in section 10-160, any teacher who, prior to July 1, 1971, included sums paid for extra duty assignments or coaching as part of his annual salary on the basis of which he made contributions to the annuity fund, may, at his option, include such sums in his annual salary and make payments to said fund based thereon. Any such teacher may receive credit for the 1971-1972 school year by paying into such fund such amount as the teachers retirement board determines he would have paid if such sums had been included in his annual salary for such year.

(1972, P.A. 202, S.1.)

Sec. 10-161. Schools included in term "public schools."

The retirement board may, upon application of the board of trustees of any institution supported by the state at which teachers are employed or any incorporated secondary school not under the orders and superintendence of a duly elected school committee or board of education but located in a town not maintaining a high school and providing free tuition to pupils of the town in which it is located, and which has been approved by the state board of education under the provisions of part II of chapter 164, class any such institution as a "public school" as defined in section 10-160, provided, when any school ceases to be so classified, any teachers thereof who are members of the retirement association may continue as members as long as they continue to teach in such school, but any teachers engaged after the date such school ceases to be so classified shall not be eligible for membership. The secretary and treasurer of such board of trustees shall perform the duties required of educational officials under the provisions of sections 10-178 and 10-179. The provisions of this section shall not apply to The University of Connecticut.

(1949 Rev., S. 1592; 1953, S. 992d.)

Sec. 10-162. Retirement system and retirement association.

There shall continue to be a teachers' retirement system and a teachers' retirement association. Said association shall comprise the members of said association on September 1, 1930, and teachers who thereafter enter the service of the public schools of the state, except as hereinafter provided. Any teacher who entered the service of the public schools of this state before June 30, 1917, may, upon application in writing to the secretary of the retirement association, join said association, and shall pay an amount equal to the total assessments, with regular interest thereon, that he would have paid if he had joined the retirement association on September 1, 1917. Any payment or payments to be made by any teacher to the retirement association under the provisions of this section shall be made as the retirement board directs in annual payments through his employing board of education, provided a teacher who desires may, with the approval of the retirement board, make any or all of such annual payments personally in advance of their due date at any time prior to his retirement. No teacher who joins said retirement association shall be entitled to receive any benefits therefrom until he has taught at least two years in the public schools of this state after joining said association; and no teacher who has not taught at least five years in the public schools of this state after joining the retirement association shall be entitled to receive any benefits because of disability or incapacity.

(1949 Rev., S. 1593.)
Cited. 136 C. 184.

Sec. 10-163. Teachers' retirement board.

The management of the retirement system is vested in the teachers' retirement board, which shall consist of five members. The insurance commissioner, the bank commissioner and the secretary of the state board of education shall be members of the board, ex officio. On or before June fifteenth in the odd-numbered years, the members of the retirement association shall elect from their number, in a manner to be prescribed by the retirement board, one person to serve upon the retirement board for a term of four years beginning July first following his election. If a vacancy occurs in the positions filled by members of the retirement association, the retirement board shall elect a member of the retirement association to fill the unexpired portion of the term. The members of the retirement board shall serve without compensation, but they shall be reimbursed from the expense fund of the retirement association for any expenditures or loss of salary or wages which they incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the commissioner of finance and control. The retirement board may employ a secretary and such clerical and other assistance as may be necessary. The salaries shall be paid by the board with the approval of the commissioner of finance and control. The retirement board shall provide for the payment of retirement allowances and such other expenditures as are required by the provisions of this chapter. It shall adopt for the retirement system one or more mortality tables, and may, from time to time, modify such tables or prescribe other tables to represent more accurately the expense of the retirement system. The retirement board shall provide biennially an actuarial examination of the system.

(1949 Rev., S. 1595; June, 1955, S. 993d.)

Sec. 10-164. Bylaws and regulations.

The retirement board may make bylaws and regulations not inconsistent with the provisions of this chapter.

(1949 Rev., S. 1596.)

Sec. 10-165. Funds.

The funds of the retirement system shall consist of an expense fund, an annuity fund and a pension fund. (1) The expense fund shall consist of amounts appropriated by the general assembly from year to year on estimates submitted by the retirement board to defray the expenses of the administration of this chapter, exclusive of the payment of retirement allowances.

(2) The annuity fund shall consist of assessments and voluntary contributions paid by members of the retirement association, and interest derived from investments of the annuity fund. Each member of the retirement association shall pay into the annuity fund, in the manner provided in section 10-178, six per cent of his annual salary; provided, when the total sum of assessments on the salary of any member at the rate of six per cent would amount to less than sixty dollars for any school year, such member shall, in lieu of assessments at the regular rate, be assessed sixty dollars a year, payable in equal instalments to be assessed for the number of months during which the schools of the community in which such member is employed are commonly in session. Each member of the retirement association may make voluntary contributions which shall be not less than one per cent of the member's salary.

(3) The pension fund shall consist of (a) general obligation bonds as provided by sections 3-17, 3-20, 3-27, 10-179, 10-180 and 10-180b and (b) amounts appropriated by the general assembly biennially on estimates submitted by the retirement board, for the purpose of paying the pensions provided for in this chapter.

(4) The survivorship and dependency fund shall consist of (a) amounts appropriated by the general assembly annually on actuarial estimates submitted by the retirement board for the purposes of paying the survivorship benefits provided for in this chapter; (b) amounts credited to annuity savings accounts of deceased members as provided in section 10-168; (c) such amounts as are forfeited as provided in section 10-176; and (d) interest earned on the investment of such fund. An amount not to exceed one-half of the balance of such forfeitures and of the balance of the interest earned by the fund as of the previous June thirtieth shall be made available during a current year to pay survivorship benefits as provided in section 10-168.

(1949 Rev., S. 1597; 1957, P.A. 562, S. 2; 1963, P.A. 538; February, 1965, P.A. 345; 623, S. 1; 1967, P.A. 656, S. 7; 1969, P.A. 629, S. 5; 1972, P.A. 42, S. 1.)

Basis for ascertainment of payments into annuity fund is amount teacher is entitled to receive from employer. 116 C. 505.

Sec. 10-166. Retirement qualifications; benefits; service credits.

(a) Any member of the retirement association, who joined the retirement association prior to July 1, 1929, who has completed fifteen years of public school service in this state, including the last five years, and who has attained the age of sixty, shall be entitled to an annual retirement allowance of five hundred dollars. Any such member who has completed thirty-five years of public school service, provided not less than twenty years of such service shall have been in the public schools of this state, and provided the last five years of such service shall have been in this state, may retire from active public school service and be entitled to a retirement allowance. Any member of the retirement association, who joined the retirement association since July 1, 1929, who has completed twenty years of public school service in this state, including the last five years, and who has attained the age of sixty, or any such member who has completed thirty-five years of public school service, provided not less than twenty-five years of such service shall have been in the public schools of this state, and provided the last five years of such service shall have been in this state, may retire from active public school service and be entitled to a retirement allowance. Any member of the retirement association on attaining the age of seventy years shall be retired from service in the public schools; provided, if the employing board of education so requests in writing, the retirement board may permit the employment of such member beyond the age of seventy years and, on the retirement of such member, he shall receive from the state the retirement allowance to which he would have been entitled at the age of seventy. A member of the retirement association, after his retirement under the provisions of this section, shall be entitled to receive from the annuity fund, as he shall elect at the time of his retirement, on the basis of tables adopted by the retirement board, an annuity based on his five per cent salary assessments with regular interest thereon payable monthly, to which the sum of his assessments under the provisions of section 10-165, with regular interest thereon, entitles him. Such retired member shall receive a supplemental annuity or the present value thereof in a lump sum. An additional annuity or the present value thereof in a lump sum shall be paid to the member on his retirement. Any person receiving payments on an annuity as provided in this section shall receive with each monthly payment of his annuity an equal amount to be paid from the pension fund as directed by the retirement board; provided, if such person has completed twenty or more years of public school service, he shall be entitled to additional pension to such an amount that his annual retirement allowance shall equal forty per cent of the average annual salary received during the three years of highest salary during Connecticut public school service preceding retirement with twenty years of service, and, for each additional month of a creditable year of service, there shall be added a fraction of two per cent as determined by the retirement board, provided the annual retirement allowance shall not exceed seventy-five per cent of such average annual salary.

(b) A member who has completed twenty-five years of public school service, but less than thirty-five years of such service, twenty years of which, including the last five years, have been in this state, may elect to retire and receive a retirement allowance based on his creditable years of service under this chapter but reduced so as to constitute the actuarial equivalent, as determined by the board, of the same retirement allowance commencing at the minimum age at which he could have otherwise retired under this section.

(c) A member who has attained at least the age of sixty and who has rendered at least ten years of service in the public schools of Connecticut, five years of which service shall have been rendered during the five-year period immediately preceding his retirement application, may elect to retire on a proratable allowance and shall receive a retirement allowance equivalent to a percentage of the average annual salary received during the highest three years of service in the state preceding retirement for each year of creditable service as determined by the retirement board, such percentage to be determined as follows: (1) With respect to creditable Connecticut service, the number of years, including full month fractions thereof, multiplied by the applicable percentage as determined from the table below for the appropriate retirement age in years of such service; and (2) with respect to other creditable service one per cent multiplied by the number of years, including full month fractions thereof, of such service.

TABLE

Years of Connecticut Service	AGE AT RETIREMENT										
	60	61	62	63	64	65	66	67	68	69	70
10	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
11	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.1
12	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
13	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3
14	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.4
15	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
16	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
17	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7
18	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8	1.8
19	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9
20	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

(d) Any member of the retirement association whose service in the public schools of the state has covered a period of ten or more years and who, before attaining the age of sixty-five years, becomes permanently incapable of rendering satisfactory service as a teacher by reason of physical or mental disability as shown by examination, may, with the approval of the retirement board, be retired by the employing board of education; and any teacher so retired shall receive for retirement allowance (1) an annuity as computed under the tables adopted by the retirement board and (2) a pension to such an amount that the annual retirement allowance shall equal one sixty-fifth of the average annual salary received during the three years of highest salary preceding retirement for each creditable year of service or fraction thereof, provided continuance of disability of such teacher shall be indicated by examination annually for five years and at such subsequent times as the retirement board may require, by a physician selected by the retirement board, unless such examination is waived by said board. If the retirement board finds that such disability no longer exists, the retirement allowance as provided in this section shall cease. Upon refusal of a teacher to submit to examination, the retirement board shall discontinue the payment of the retirement allowance authorized by the provisions of this section. If the disability ceases to exist and such member is unable to secure a position in the public schools which requires certification as provided in section 10-145, such member shall be permitted to retire on a normal, early or proratable retirement allowance, if eligible, or to retain a vested right to a deferred benefit, if eligible.

(e) The retirement board may offer benefits of equal value to the benefits herein provided and the contributor retiring may accept the benefits herein provided or one of such alternate benefits.

(f) A reinstated member, who otherwise meets the qualifications for a retirement allowance, shall not be entitled to the benefits of this section until he has taught continuously at least one school year in the public schools of this state after his latest reentry into the association.

(g) A retirement allowance shall not become effective before the expiration of the full calendar month following the filing date with the retirement board of a member's formal application for retirement, and the first day of the month next following the end of such calendar month shall be the date as of which the retirement allowance shall begin, and the first payment due shall be made on the last day of that month. If it is impossible or impracticable to consult the original records as to wages received by a member during any period, the retirement board shall determine the pension to be paid under the provisions of this section in accordance with such evidence as it is able to obtain.

(h) Any teacher who entered or shall enter, or who has been or shall be reinstated in, the retirement association on or after July 1, 1929, may receive a service credit which shall not exceed ten years in the aggregate for such public school service or service in schools for military dependents as he has rendered as a teacher in another state of the United States or in any territory or possession thereof and, in the case of service in schools for military dependents, in a foreign country, provided, if such service was rendered in another state of the United States or in any territory or possession thereof, such state, territory or possession in which such service was rendered makes similar provision for former teachers of this state and provided he shall make application in writing to the secretary of the retirement association, and shall pay to the annuity fund, within five years of such entry, assessments for each year of such service on the basis of five per cent of his full time Connecticut teaching salary at the time of his reinstatement, or in the case of a new member, his first annual full time Connecticut teaching salary and interest at the rate of five per cent from the date such out-of-state service was rendered to the date of payment and provided he is not receiving or entitled to receive a retirement allowance from any other state, territory or possession for such service. Any teacher who is eligible for such out-of-state service credit but failed to purchase such credit within five years of entry into the teachers' retirement association may make application in writing to the secretary of the retirement association for such credit no later than June 30, 1977. Payment for the purchase of such credit may be made in a lump sum or in accordance with an instalment plan acceptable to the retirement association, provided the last instalment shall be due not later than July 1, 1982 or five years from the date of application for such credit, whichever is earlier. Such credit shall not be used for retirement purposes prior to July 1, 1977. If any state, subsequent to a teacher's participation in the teachers' retirement system, makes similar credit provisions for service rendered in Connecticut schools, such teacher may purchase, before July 1, 1978, or within five years from the date on which such provisions are adopted, whichever is later, credit in the teachers' retirement system subject to the other limitations of this subsection. Any teacher who, on May 28, 1974, is entitled under this section to receive retirement credit for service in a school for military dependents located in a foreign country, shall, no later than five years from May 28, 1974, make application in writing to the secretary of the retirement association and pay to the annuity fund assessments for each year of such service on the basis of five per cent of his first annual Connecticut teaching salary and interest at the rate of five per cent from the date such foreign service was rendered to the date of payment.

(i) Any member of the retirement association who enlists or is inducted into the armed forces of the United States, as defined by section 27-103, or who is ordered to report for active duty with such forces may, during the time he so serves, continue his membership in the retirement association and may make or have made for him payments of his assessments to the annuity fund for the periods as defined by section 27-103 to and including the end of the school year in which such service was rendered. If payment is made during such periods or at any time before retirement, the member shall receive credit for such service and he shall be considered as serving as a public school teacher in this state for the purpose of computing his length of service and shall be considered by the retirement board as though he were remaining in his latest teaching position.

(j) If a member has elected the option of section 10-171 and has made payment at any time before retirement, he shall receive credit for such service for the purpose of computing his length of Connecticut service and such time shall be considered creditable teaching service for purposes of determining his retirement eligibility.

(1949 Rev., S. 1598; 1953, 1955, S. 994d; 1957, P.A. 163, S. 21; 403; 508; 562, S. 3; September, 1957, P.A. 16, S. 3; 1959, P.A. 529, 682; 1961, P.A. 488; 1963, P.A. 531; February, 1965, P.A. 544, S. 1; 555; 1967, P.A. 519, S. 1; 629, S. 1; 635, S. 1; 1971, P.A. 771, S. 2; 1972, P.A. 51, S. 1; P.A. 73-229; 73-485, S. 1, 2; P.A. 74-220, S. 1, 2; 74-223, S. 1, 2; P.A. 75-44; 75-82; P.A. 76-206, S. 1, 2; 76-312.)

Attempt by local board of education to set a retirement age less than the age established by statute represents an effort to alter, by local regulation, an integral part of the coordinated plan adopted by the state for its public school system. This power does not reside in local board. 152 C. 151.

Cited. 16 CS 197.

Sec. 10-166a. Cost of living allowance for certain retired teachers and beneficiaries.

(a) On July 1, 1975, and on July first of each subsequent year each teacher retired under the teachers' retirement system on or before June 30, 1975, each elected beneficiary receiving benefits other than under section 10-168, and each teacher retired by the board of retirement of the teachers' retirement fund of the city of New Haven prior to September 1, 1947, shall be entitled monthly in addition to his original retirement allowance or adjusted retirement allowance as provided in sections 10-166d and 10-166e, but exclusive of additional and supplemental annuities, as defined in section 10-160, to a three per cent cost of living allowance computed on the basis of his combined retirement allowance and cost of living allowances to which he was entitled as of June 30, 1975, limited to three per cent for the fiscal year ending June 30, 1975. Any person receiving or entitled to receive a cost of living allowance as provided in this section may, at any time, waive his rights thereto, or to a portion thereof, by filing a written notice of waiver with the state teachers' retirement board. Such waiver shall remain in effect until the first day of the month following his death or the filing of his written cancellation of such waiver with the state teachers' retirement board. Any amount so waived prior to such death or cancellation shall be forever forfeited.

(b) Upon certification by the teachers' retirement board, the comptroller shall draw his order on the treasurer monthly for such amounts as are authorized under the provisions of subsection (a) of this section from the sums appropriated to carry out the provisions hereof.

(1967, P.A. 519, S. 2, 3; 1969, P.A. 761, S. 1; June, 1969, P.A. 1, S. 24; P.A. 75-419, S. 1, 4.)

Sec. 10-166b. Adjustment of cost of living allowance.

Section 10-166b is repealed.

(1969, P.A. 761, S. 2; P.A. 73-567, S. 1, 3; P.A. 75-419, S. 3, 4.)

Sec. 10-166c. Teachers retiring on or after July 1, 1975.

Each teacher retiring on or after July 1, 1975, and any elected beneficiary receiving benefits other than under section 10-168, shall be eligible for an annual three per cent cost of living allowance commencing on the first anniversary date following the completion of nine months in retirement. The anniversary date of such teacher shall be the first day of January or the first day of July following completion of nine months after the effective date of retirement.

(1969, P.A. 761, S. 3; P.A. 73-567, S. 2, 3; S.A. 74-31, S. 13, 22; P.A. 75-419, S. 2, 4.)

Sec. 10-166d. Adjustment of allowance of teachers retired prior to July 1, 1967, and certain elected beneficiaries.

(a) The allowance of each teacher retired under the state teachers' retirement system prior to July 1, 1967, and of each elected beneficiary receiving benefits other than under section 10-168 shall be recomputed to provide each such retired teacher who has completed twenty years of service with an allowance equal to forty per cent of the annual salary basis on which the teacher retired, and, for each additional creditable year of service, two per cent of said salary basis, and for a fraction of a year of such service such fraction of two per cent as is determined by the retirement board, provided the annual retirement allowance so recomputed does not exceed seventy-five per cent of said salary basis.

(b) The allowance of a teacher who exercised his election to retire under section 10-166 and who retired prior to July 1, 1967 on an allowance reduced pursuant to said section, or the allowance of the elected beneficiary of such a teacher, shall be recomputed on the basis of the mortality tables adopted by said board effective July 1, 1967, for the payment of such allowances.

(c) The adjustments in this section shall be effective from July 1, 1971, in addition to the economic increases and cost-of-living adjustments which the teacher or his elected beneficiary has been receiving.

(1971, P.A. 651, S. 1.)

Sec. 10-166e. Adjustment of New Haven pension of teachers retired prior to September 1, 1947.

The New Haven pension of each teacher retired by the board of retirement of the teachers' retirement fund of the city of New Haven prior to September 1, 1947, shall be increased fifteen per cent by the state teachers' retirement board, such increase to be effective July 1, 1971, in addition to any economic increases or cost-of-living adjustments which have been or shall be granted him.

(1971, P.A. 651, S. 2.)

Sec. 10-166f. Waiver of retirement allowance adjustment.

Any person receiving or entitled to receive an adjustment in his retirement allowance as provided in section 10-166d or 10-166e may, at any time, waive his rights thereto, or to a portion thereof, by filing a written notice of waiver with the state teachers' retirement board. Such waiver shall remain in effect until the first day of the month following his death or the filing of his written cancellation of such waiver with the state teachers' retirement board. Any amount so waived prior to such death or cancellation shall be forever forfeited.

(1971, P.A. 651, S. 3.)

Sec. 10-166g. Payment of adjusted allowances.

Upon certification by the teachers' retirement board, the comptroller shall draw his order on the treasurer monthly for such amounts as are authorized under the provisions of section 10-166d to 10-166f, inclusive, from the sums appropriated to carry out the provisions hereof.

(1971, P.A. 651, S. 4.)

Sec. 10-166h. Cost of living allowance for retired teachers.

Section 10-166h is repealed.

(S.A. 74-31, S. 14, 22; P.A. 74-338, S. 91, 94; P.A. 75-419, S. 3, 4.)

Sec. 10-167. Designation of co-participant.

A member may, before the effective date of his retirement allowance, subject to such regulations as the retirement board may establish from time to time, elect to receive a reduced monthly retirement allowance, of which the whole, or such part as is specified by such member in his election, shall be paid as hereinafter provided to the spouse, dependent parent, brother or sister of such member, as he shall designate in his election, to be referred to hereinafter as the co-participant, for as long as such co-participant lives. A member electing this option shall execute and file an official form with the retirement board. Such election shall become effective (1) immediately, if filed on or before January 1, 1955, or (2) at the end of three years after the date of such execution and filing if such date was after January 1, 1955, or (3) at the time such member passes a satisfactory health examination, without expense to the state, by a physician to be appointed by the retirement board. The amount of such reduced retirement allowance shall be the amount determined by the retirement board to be the actuarial equivalent of the retirement allowance that would be payable in the absence of such election. If such member dies after the effective date of such election and after the effective date of his retirement allowance, such retirement allowance or part thereof, as elected, shall be continued to his co-participant for as long as such co-participant lives. If such member dies after the effective date of such election and after completion of the age and service qualifications for retirement, with the exception of disability, but before the effective date of his retirement allowance, his co-participant shall receive such reduced retirement allowance, in accordance with regulations to be established by the retirement board, payable from the first day of the month following his death. In any case in which this provision would apply at the death of a member before retirement, the reduced amount of the retirement allowance payable either to the member or to his co-participant shall be based on the age of the member as of the effective date of his retirement allowance or the first day of the month following his death, as the case may be, and on the age of his co-participant on the first date on which such co-participant would have been entitled to the reduced retirement allowance if the member had died on such date. Any active member of the teachers' retirement association whose election of a co-participant designation became effective before January 1, 1958, and who became subject to the provisions of section 10-168 may withdraw such election on or before

December 15, 1961. Such member may refile a co-participant designation on an official form with the teachers' retirement board, which designation shall become effective (1) immediately, if filed on or before December 15, 1961, or (2) at the end of three years after the date of such execution and filing, if such date is after December 15, 1961, or (3) at the time such member passes a satisfactory health examination, without expense to the state, by a physician to be appointed by the retirement board. If such member's death should occur after he has withdrawn his election of a co-participant but before he has refiled a co-participant designation with the teachers' retirement board on or before December 15, 1961, death settlement shall be made according to the provisions of this chapter.

(1953, S. 996d; 1957, P.A. 454; 1961, P.A. 397.)

Sec. 10-168. Death benefits.

If the member dies within two calendar months of his withdrawal from teaching in the public schools of this state, or prior to the effective date of his retirement, or prior to the date on which the co-participant option becomes effective, as provided in section 10-167, any amount credited to the member's annuity savings account with regular accumulated interest thereon, with the exception of any payments made for additional annuities, shall be applied toward the financing of such benefits for such dependents and such survivors of the member as defined herein and in such amounts as provided herein, notwithstanding any written designation of beneficiaries as provided for in section 10-176. When a deceased member's annuity savings account has been used in full in financing survivorship benefits, payments to his survivors shall be continued from the forfeitures, interest and state appropriations of the survivorship and dependency fund as provided in section 10-165. A member's benefit shall be computed under the following methods if he meets the conditions herein prescribed: (a) Survivors' and dependents' benefits shall be payable on the last day of the month following that month in which eligibility for such benefits occurs and no payment shall be due for the month in which ineligibility occurs. (b) The total family benefits that may accrue to the dependents of a member are limited to three hundred dollars in any one calendar month. No widow's or mother's benefit payable under subdivision (c), (d) or (e) of this section shall be reduced because of benefits payable to other dependents of the deceased member under the provisions of this section, but the benefits payable to such other dependents shall be prorated within the balance remaining after deducting the widow's or mother's benefits from the total family benefits payable under this subdivision. Whenever a child becomes ineligible for a monthly benefit, the benefit to which he had been entitled shall be reallocated among the surviving children entitled to such benefits, provided such adjusted benefit payable to each child shall not exceed the maximum benefit payable in subdivision (f). (c) Widow's insurance benefits are payable, upon filing application, if the deceased member died after January 1, 1958, and the widow (1) has not remarried; (2) was living with the husband at the time of his death. A widow is deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or if she was receiving regular contributions from him toward her support on such date, or if he had been ordered by a court to contribute to her support. The term "widow" means the surviving wife of a deceased member, but only if she meets one of the following conditions: (1) Was married to him for not less than one year immediately prior to the day on which he died; or (2) is the mother of his son or daughter; or (3) legally adopted his son or daughter while married to him and while such son or daughter was under the age of eighteen; or (4) was married to him at the time both of them legally adopted a child under the age of eighteen. Such widow's insurance benefits shall be one hundred twenty-five dollars per month. (d) Mother's insurance benefits are payable, upon filing application, to the widow of a deceased member who died after January 1, 1958, if at the time of death the widow (1) has in her care a child of the deceased member entitled to child insurance benefits; (2) has not remarried; (3) is not entitled to a widow's insurance benefit under subsection (c) hereof; (4) was living with the husband at the time of his death. Such mother's insurance benefits shall be one hundred twenty-five dollars per month. (e) Mother's insurance benefits are payable, upon filing application, to the former wife divorced of a deceased member who died after January 1, 1958, if the former wife divorced (1) has in her care a child of the deceased member who is her son, daughter or legally adopted child entitled to child insurance benefits; (2) was receiving from the deceased member, pursuant to agreement or court order, at least one-half of her support at the time of his death; (3) has not remarried; (4) is not entitled to a widow's insurance benefit as provided by subsection (c) or (d). The term "former wife divorced" means a woman divorced from a deceased member, but only if she meets one of the following conditions: (1) Is the mother of his son or daughter; (2) legally adopted his son or daughter while married to him and while such son or daughter was under the age of eighteen, or (3) was married to him at the time both of them legally adopted a child under the age of eighteen. Such mother's insurance benefits shall be one hundred twenty-five dollars per month. (f) Child insurance benefits are payable, upon filing application, to the child, including a stepchild or adopted child, of a deceased member who died after January 1, 1958, if the child (1) is unmarried and under the age of eighteen; and (2) was dependent upon the member at the time of his or her death; or (3) such dependent child was under a disability which began before he attained the age of eighteen. The term "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be under a disability unless he furnishes such proof of the existence thereof as may be required by the retirement board. The term "child" includes a stepchild of a deceased member who has been such a stepchild for at least one year immediately preceding the day on which the member died or an adopted child of a deceased member without regard to the length of time the child has been adopted. If only one child is entitled, he shall receive one hundred twenty-five dollars per month. If more than one child is entitled, each child shall receive eighty dollars plus an equal share of an additional forty dollars per month. A child is considered dependent upon the father if the father at the time of his death was living with or contributing to the support of the child. If the father at the time of his death was not living with the child or contributing to his support, the child, if legitimate, is considered dependent upon the father unless the child (1) had been adopted by some other individual or (2) was living with and receiving more than one-half of his support from his stepfather. An adopted child is considered dependent upon his adopting father under the same conditions as those which apply to a father and his natural child. A child is considered dependent upon his stepfather at the time of the stepfather's death if the child was (1) living with his stepfather or (2) receiving at least one-half of his support from his stepfather. A child is considered dependent upon his natural mother or adopting mother at the time of her death if such mother was a member when she died regardless of presence of or support furnished the child by the father. A child is considered dependent upon his natural, adopting or stepmother at the time of death of such mother if she was living with or contributing to the support of the child and the child (1) was neither living with nor receiving contributions from his father or adopting father or (2) was receiving at least one-half of his support from her. (g) Widower's insurance benefits are payable to the widower of a deceased woman member who died after January 1, 1958, and the widower (1) has not remarried; (2) is not entitled to a federal or state old age benefit based on his own earnings equal to or greater than the amount he would be entitled to as the dependent widower of the deceased wife; (3) was living with the wife at the time of her death. A widower is deemed to have been living with his wife at the time of her death if they were both members of the same household on the date of her death or he was receiving regular contributions from her toward his support on such date or she had been ordered by a court to contribute to his support; and (4) was receiving at least one-half of his support from the wife at the time of her death and filed proof of such support within two years of the date of death. The term "widower" means the surviving husband of a deceased woman member, but only if he meets one of the following conditions: (1) Was married to her for not less than one year immediately prior to the date on which she died; or (2) is the father of her son or daughter; or (3) legally adopted her son or daughter while married to her and while such son or daughter was under the age of eighteen; or (4) was married to her at the time both of them legally adopted a child under the age of eighteen. Such widower's insurance benefits shall be one hundred twenty-five dollars per month. (h) Parent's insurance benefits are payable, upon filing application, to the parent or parents of a deceased member who died after January 1, 1958, and if the member did not leave a widow, widower or child who could ever qualify for monthly insurance benefits on the member's wages and the parent (1) has reached the age of sixty-five; (2) has not remarried after the death of the member; (3) was receiving at least one-half of his or her support from the member at the time of the member's death and filed proof of such support within two years of the date of death, and (4) is not entitled to a federal or state old age benefit based on his or her own earnings equal to or greater than the amount he or she would be entitled to as the dependent parent of the deceased member. The term "parent" means (1) the mother or father of a deceased member; (2) a stepparent of the deceased member by a marriage contracted before the member attained the age of sixteen, or (3) an adopting parent who adopted the deceased member before he or she reached the age of sixteen. Such parent's insurance benefits shall be one hundred twenty-five dollars per month. (i) Upon the death after January 1, 1958, of a member, except in those cases where the co-participant option as defined in section 10-167 has become effective, a lump sum death payment is payable to the person whom the retirement board determines to be the widow or widower of the deceased and to have been living with the deceased at the time of death. If there is no such person, an amount is payable to any person or persons to the extent and in the proportion that he or they have paid the burial expenses for the deceased insured individual. No payment shall be made unless application is filed within two years after the date of death. The lump sum death payment shall be five hundred dollars for members with five years or less of creditable Connecticut public school service; provided, if a member has rendered more than five years of such service, an additional payment of one hundred dollars shall be made for each completed year payable from forfeitures. The statutory maximum is one thousand dollars. Any amount credited to the member's annuity savings account, with the exception of any payments made for additional annuities not expended in survivorship benefits or a lump sum death payment as provided herein, shall be paid to the member's estate or to such person as he has nominated by written designation executed and filed with the retirement board, with regular interest thereon.

(1957, P.A. 562, S. 4; September, 1957, P.A. 16, S. 4; March, 1958, P.A. 25, S. 1; 1963, P.A. 648; February, 1965, P.A. 260; 342, S. 1; 623, S. 2; 1967, P.A. 806.)

Sec. 10-168a. Survivor's options on death of member.

If at the time of death of a member of the teachers' retirement association there is a sole survivor entitled to receive monthly benefits as provided in section 10-168 who is also legally designated by the member as his sole beneficiary and has reached his eighteenth birthday, such survivor shall be allowed to accept any amount credited to the member's annuity savings account in a single payment in lieu of the lump sum death payment or monthly benefits, or both, provided by said section. When a member has designated two or more beneficiaries, who are, at the time of his death, over age eighteen and one of whom is entitled to monthly benefits as provided in section 10-168, the one entitled to survivorship benefits shall be deemed the sole survivor within the meaning of this section, provided the other designated beneficiaries relinquish all claim to any funds that may be due them from the member's account in the teachers' retirement association. This section shall apply in any such case where a member has died since January 1, 1958, and any such sole survivor receiving or entitled to receive monthly benefits shall be allowed to withdraw any balance of the member's annuity savings account from which such monthly benefits are or will be financed.

(1959, P.A. 268, S. 1; 1961, P.A. 389.)

Sec. 10-168b. Spouse's options on death of member before retirement.

If a member of the teachers' retirement system who has qualified for a regular retirement allowance dies prior to the effective date of his retirement application, or dies prior to retirement without having designated a co-participant according to section 10-167, or if a member has died after January 1, 1970, but before the effective date of his co-participant designation, the spouse of such member may elect (a) to receive a monthly retirement allowance equal to fifty per cent of the allowance such deceased would have been entitled to under section 10-167, if he had elected the co-participant option in such amount, (b) to withdraw the deceased member's funds in one lump sum, or (c) if there are any children entitled to benefits, to receive survivorship benefits provided under section 10-168.

(1971, P.A. 592, S. 1.)

Sec. 10-169. Payments to retirement board for persons in armed forces.

During any period when this country is at war, town boards of education may, within their discretion, cause to be paid to the retirement board the annual annuity fund assessment of such members of the retirement association as were in their employ at the time of entering the armed forces, as defined by section 27-103. Such assessments as may be approved by said town boards of education shall be included in the annual itemized budget estimate of the costs of maintenance of public schools for the ensuing year.

(1949 Rev., S. 1599; 1957, P.A. 163, S. 23.)

Sec. 10-170. Credit for veterans for prior public school service.

Any member of the retirement association having entered the armed forces before the expiration of the period allowed, under the provisions of section 10-166, for the payment for public school teaching service rendered outside this state shall, after discharge as a veteran who served in time of war, as defined in section 27-103, receive credit for not more than ten years of his most recent public school service rendered outside this state upon payment of such amount as would be due with regular interest, provided such payment shall be made to the retirement board on or before September 30, 1957, or within two years of the member's return to active teaching in this state, whichever date is later.

(1955, S. 995d; 1957, P.A. 163, S. 22.)

Sec. 10-171. Credit for veterans for armed forces service.

Any veteran who served in time of war, as defined in section 27-103, who, after discharge, became or becomes a member of the Connecticut teachers' retirement association shall be granted credit for service rendered during the periods covered by said section, provided he is not receiving or entitled to receive any retirement allowance based on such service from any other governmental unit, and provided he shall pay to the annuity fund assessments based on his first year's Connecticut teaching salary with interest in accordance with the regulations of the retirement board. Such annuity fund assessments may be paid in monthly instalments of not less than ten dollars through his employing board of education.

(1949 Rev., S. 1600; 1955, S. 997d; 1957, P.A. 163, S. 24; 1963, P.A. 346; 1971, P.A. 771, S. 1.)

Sec. 10-172. Credit for state employment.

A member of the teachers' retirement system who was previously employed by the state in a permanent position except as otherwise provided in this chapter may receive retirement credit under provisions of the teachers' retirement system for such state service not to exceed ten years in the aggregate on paying to the teachers' retirement system the established rate of contributions to the teachers' retirement system at the time of such state service, with interest thereon at the rate of five per cent per annum from the date of such service to the date of payment. Such payment shall be made within five years from the date of employment or reemployment as a teacher in the public schools or within five years after October 1, 1967, whichever is later. No person who benefits from this section may receive retirement income from both the state employees retirement fund and the teachers' retirement system.

(1957, P.A. 429; 1961, P.A. 388; February, 1965, P.A. 315; 1967, P.A. 570, S. 1.)

Sec. 10-173. Credit for teaching at The University of Connecticut.

Any member of the teachers' retirement system who served previously as a teacher at The University of Connecticut may receive retirement credit under the provisions of said retirement system for service as a teacher at said university, but not for more than ten years' service in the aggregate, on paying to the retirement system the established rate of contributions to said system at the time of such service at said university, together with interest thereon at the rate of five per cent per annum from the date of such service to the date of payment. Such payment shall be made within five years from the date of employment as a teacher in the public schools or within five years after October 1, 1961, whichever is later. No person who benefits from this section may receive retirement income from both the state employees retirement fund and the teachers' retirement system.

(1957, P.A. 563; February, 1965, P.A. 29[illegible].)

Sec. 10-173a. Credit for employment by Wheeler School and Library.

Any member of the teachers' retirement system who was employed as a school teacher by the Wheeler School and Library, North Stonington, prior to September 1, 1949, may receive credit for such service by paying to the teachers' retirement system assessments based on the established rate of the teachers' retirement system at the time such service was rendered, with interest thereon of five per cent per annum from the date of such service to the date of payment. Such payment shall be made within two years from the date of such member's employment as a teacher in the public schools of this state or within two years after May 25, 1965, whichever is later.

(February, 1965, P.A. 73.)

Sec. 10-174. Credit for service as a state vocational agriculture teacher.

Any teacher of vocational agriculture who was an employee of the state October 1, 1954, and who, as a condition of such employment, was required to hold a certificate as a teacher of vocational agriculture valid for full-time teaching of high school pupils as provided in chapter 166 and who was a member of the state employees' retirement system and elected, on or before July 1, 1956, to become a member of the teachers' retirement association under the provisions of section 922d of the 1955 supplement to the general statutes shall, for the purposes of determining eligibility for benefits of the teachers' retirement association, be considered as having been a member of the association for the number of years in which he was a state employee. The teachers' retirement association shall keep separate accounts of the amounts contributed by the state upon such election under the provisions of said section 922d and any interest thereon, which contributions and interest shall revert to the general fund if the teacher subsequently withdraws from the association.

(1955, S. 922d.)

Sec. 10-175. Relationship between teachers' retirement association and state employees' retirement system.

(a) Any member of either the state employees' retirement system or the teachers' retirement association, if eligible to belong to the other, may withdraw from the one to which he belongs and join the other when authorized to do so by the concurrent action of the state employees' retirement commission and the teachers' retirement board. No person shall be eligible to membership in both the state employees' retirement system and the teachers' retirement association at the same time, provided nothing contained herein shall affect the rights of any person who, on June 18, 1953, was a member of both said system and said association. Any former state employee who was, during his period of employment, eligible to belong to either the state employees' retirement system or the teachers' retirement association and who withdrew from the state employees' retirement system after July 1, 1940, to become a member of the state teachers' retirement association may be credited in the teachers' retirement association with his period of state service upon making application in writing to the secretary of the teachers' retirement association and paying assessments for such period of service with regular interest thereon.

(b) No state employee who has creditable service as a member of the teachers' retirement association and who transfers, on or after May 6, 1975, to the state employees' retirement system shall be entitled to state employees' retirement benefits until he has been a member of and contributed to the state employees retirement system for a period of not less than one year.

(1949 Rev., S. 1601; 1953, S. 998d; P.A. 75-45, S. 1, 2.)

See Sec. 5-160(g).

Any intention of general assembly to avoid payment of double pensions has not been implemented by affirmative legislation. 136 C. 177.

Teachers are not entitled to retirement benefits from both state teachers' and state employees' retirement systems. 16 CS 196.

Sec. 10-176. Withdrawal and refunds.

Any member of the retirement association withdrawing from service in the public schools in lieu of retiring on an allowance as provided in section 10-166 shall be entitled to receive from the annuity fund all amounts contributed, with accumulated regular interest thereon through the previous December thirty-first, in one sum or in four quarterly payments as the retirement board may elect, provided any such member who does not complete five years of service, which need not be consecutive years, in the public schools of this state shall be entitled to receive an amount equal to five per cent of his average annual salary with regular interest thereon; and provided any such member who completes five years of public school service shall not be entitled to receive interest on any amount of assessments in excess of five per cent paid into said annuity fund. Any member withdrawing from service in the public schools before becoming eligible to retire shall also be entitled to receive any amounts plus regular interest thereon contributed by such member on a voluntary basis for additional annuities. Any amounts so withheld shall be paid to the survivorship and dependency fund. If such withdrawal takes place after ten annual assessments have been paid, the member so withdrawing may, if he so elects, receive the amount due him in the form of such annuity for life, based on the contributions of such member, with accumulated regular interest thereon to December thirty-first prior to the date of withdrawal, as may be determined by the retirement board in accordance with its annuity tables. If a member of the association withdrawing and receiving payments in accordance with the provisions of this section dies before the amount of such payments equals the amount of his contributions to the annuity fund, with accumulated regular interest to December thirty-first prior to the date of withdrawal, the difference between the amount of such payments and the amount of his contributions, with accumulated regular interest to December thirty-first prior to the date of withdrawal, shall be paid to the executor of his will or the administrator of his estate or to such person as he has nominated by written designation executed and filed with the retirement board. Any member of the retirement association who has withdrawn his accumulations from the annuity fund shall, on being reemployed in the public schools, be reinstated in the retirement association by (1) retaining the accumulations previously withdrawn and starting as a new member, thereby forfeiting prior service credit and forfeiting for twenty school months after reentry entitlement to benefits for his survivors and dependents as provided in section 10-168, or (2) by repaying with interest at the rate of five per cent from date of withdrawal to date of payment, in monthly instalments of not less than ten dollars, through his employing board of education, such accumulations as he has previously withdrawn, in order to be eligible for benefits for his survivors and dependents as provided in section 10-168. If a member of the retirement association dies before the effective date of his retirement, such amounts of his contributions to the annuity fund, with accumulated regular interest thereon through December thirty-first preceding his death, not used in the financing of survivorship benefits as defined in section 10-168, shall be paid to his estate or to such person as he has nominated by written designation executed and filed with the teachers' retirement board prior to his death, unless his election of the co-participant option as provided in section 10-167 has become effective for his co-participant. If no demand is made on the retirement board within six months next following the death of any member for the payment of the sums due under this section, such sums may be paid to such person or persons as are entitled to the estate, and such payment shall be a bar to recovery by any other person.

(1949 Rev., S. 1602; 1957, P.A. 86; 562, S. 5; 1963, P.A. 455; February, 1965, P.A. 242.)

Sec. 10-176a. Continuation of membership on withdrawal from public school service.

(a) A member of the teachers' retirement system who withdraws from service in the public schools of the state before he is eligible for a retirement allowance but who has completed at least ten years of creditable service in this state, including the last five years, may continue to be a member, provided he leaves his contributions on deposit in the annuity fund, in which case he shall be eligible, upon reaching his sixtieth birthday, or upon reaching his sixty-fifth birthday if he had completed at least such ten years creditable service in this state, including the last five years, after his sixtieth birthday, to a retirement allowance as provided in section 10-166, based on his creditable years of service but reduced so as to constitute the actuarial equivalent, as determined by the retirement board, of the retirement allowance to which he would have otherwise been entitled under said section 10-166. Creditable service in the public schools of this state only shall be counted as part of such ten years. The retirement board may offer benefits of equal value to the benefits provided under this section and any member retiring under this section may accept the benefits provided herein or one of such alternate benefits.

(b) A member who has completed the service requirements of subsection (a) may withdraw his retirement contributions in lieu of receiving retirement income payments at such time as they are payable. If a member returns to public school service in this state, he shall be reinstated in the retirement association in accordance with regulations adopted by the teachers' retirement board.

(1967, P.A. 724, S. 1, 3; 1969, P.A. 228, S. 1; 1971, P.A. 669, S. 1; P.A. 73-197; P.A. 75-84, S. 1, 2.)

Sec. 10-176b. Withdrawal of contributions on leaving public school teaching. Death prior to receipt of deferred benefit.

A member who leaves public school teaching in this state may elect to withdraw the amounts contributed as provided in section 10-176. If a member cannot be located at the age of sixty, and no demand is made on the retirement board within six months for payment of a deferred benefit, his contributions shall be transferred to the annuity reserve fund. If a member who files an election under subsection (b) of section 10-176a dies before the effective date of his deferred benefit, such amounts of his contributions to the annuity fund, with accumulated regular interest thereon through December thirty-first preceding his death, shall be paid to his estate or to such person as he has nominated by written designation executed and filed with the teachers' retirement board prior to his death.

(1967, P.A. 724, S. 2; 1969, P.A. 228, S. 2.)

Sec. 10-176c. Payment into reserve fund of moneys necessary to provide benefits.

The comptroller is directed to draw orders on the treasurer for the payment into a reserve fund of such moneys as are certified by the teachers' retirement board as necessary, according to the mortality tables adopted by the board, for the payment of benefits provided by section 10-176a. Such reserve fund shall be invested and controlled in the same manner as the annuity and pension funds of the retirement system.

(1967, P.A. 724, S. 4; 1969, P.A. 228, S. 3.)

Sec. 10-177. Funds not assignable, and exempt from attachment and taxation.

That portion of the salary or wages of a member deducted or to be deducted under this chapter, the right of a member to an annuity or pension and all his rights in the funds of the retirement system or the rights of any survivor to benefits under chapter 167 shall be exempt from taxation and from the operation of any laws relating to bankruptcy or insolvency and shall not be attached or taken upon execution or by any other process of any court. No assignment of any right in or to said funds shall be valid. The funds of the retirement system, so far as the same are invested in personal property, shall be exempt from taxation.

(1949 Rev., S. 1603; P.A. 76-203.)

Sec. 10-178. Duties of education officials. Statement of deductions.

The board of education of each town, city or district in the state, the board of trustees of The University of Connecticut acting as the board of education for the Edwin O. Smith School and, in the case of any employee who has elected to join the teachers' retirement system as provided in subsection (g) of section 5-160, the state board of education, the commission for higher education or the boards of trustees of the constituent units of said commission as provided in section 10-322, shall, before employing any person to whom this chapter may apply, notify such person of his duties and obligations under this chapter as a condition of his employment. Such boards of education and boards of trustees and said commission shall, on or before September fifteenth of each year, certify to the retirement board the names and salaries of all persons in their employ to whom this chapter applies and shall, on the first day of each calendar month, amend such report by notifying the retirement board of the employment of new persons, removals, withdrawals and changes in salary that have occurred during the month preceding and shall, under the direction of the retirement board, furnish such other records and information as the board may require relevant to the discharge of the duties of the board. Such boards and said commission shall deduct monthly six per cent of one-tenth of the employee's annual salary rate as directed by the retirement board and any additional voluntary deductions as authorized by the employee, except that no deductions shall be made from any amounts received by regularly employed teachers for special teaching assignments rendered for the state board of education or the commission for higher education unless salary for such special teaching assignment is equal to or greater than the minimum salary paid for his regular teaching assignment in the public day schools. Each such board and said commission shall send monthly to its treasurer an order for the amount of such deductions drawn in favor of the retirement board and shall send an annual statement of the total amounts deducted during the year on or before the last business day of June to the secretary of the retirement board. On the last business day of the month in which a person included under this section resigns, retires or dies, a report of the total amounts deducted for such person for the current school year shall be sent to the secretary of the teachers' retirement board by his employing board or commission.

(1949 Rev., S. 1604. 1955, S. 999d: 1957, P.A. 562, S. 6; 1959, P.A. 251, S. 1; 1967, P.A. 786, S. 3.)
See Sec. 10-217a.
Cited. 136 C. 184.

Sec. 10-179. Transmission of deductions; custody of funds.

The treasurer of each town, city or school district in the state, the board of trustees of The University of Connecticut, the commission for higher education, the boards of trustees of the constituent units of the commission for higher education as provided in section 10-322, and the secretary of the state board of education shall transmit to the secretary of the retirement board so that it is received in the offices of the teachers' retirement board not later than the last business day of each month the amount deducted from salaries as specified in the monthly order of the board of education, or the board of trustees or commission in accordance with the provisions of section 10-178. All such amounts due the retirement board shall be liable to interest at nine per cent per annum when payment of the same is delayed more than one calendar month after the time prescribed for payment thereof. The proceeds of such interest charge shall be deposited to the interest earnings of the annuity fund. The secretary of the retirement board shall pay to the state treasurer all sums collected by him under the provisions of this section. All funds of the retirement system shall be in the custody of the state treasurer, and except for general obligation bonds issued in accordance with sections 3-17, 3-20, 3-27, 10-165, 10-180 and 10-180b and delivered to the pension fund provided for in subdivision (3) of section 10-165, he shall invest such funds as are not required for current disbursements in accordance with the statutes governing the investment of savings bank funds, or when deemed prudent, in accordance with the statutes governing the investment of trust funds. Upon authorization of general obligation bonds in accordance with sections 3-17, 3-20, 3-27, 10-165, 10-180 and 10-180b and this section, the state treasurer shall accept such general obligation bonds when issued and may hold them to maturity or he may at any time prior to maturity sell such bonds or a portion thereof, whether in the original form, rate of interest and denominations accepted by him or in such other form, rate of interest and denominations as he may approve, provided the net proceeds from such sale shall be held and invested by him for the purpose of paying the pensions provided for in this chapter. Such obligations authorized, issued and delivered to the pension fund provided for in subdivision (3) of section 10-165 shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average rate of return on investments in the fund in subdivision (2) of said section for the two fiscal years preceding the date of issuance; except that, where such rate of return is not a multiple of one-eighth of one per centum, the rate of interest of such obligations shall be the multiple of one-eighth of one per centum nearest such rate of return on investments in the fund in said subdivision (2). The state treasurer shall certify to the state bond commission the amount of such rate of return for the two fiscal years preceding the date of issuance. On order of the teachers' retirement board, the state treasurer shall draw a check in favor of the teachers' retirement board from the pension fund, the annuity fund or the survivorship and dependency fund covering such payments as are due members in accordance with sections 10-166, 10-168, 10-168a and 10-176, as listed in detail on a warrant specifying the order. On or before the third Wednesday in July, annually, the state treasurer shall file, with the insurance commissioner and with the secretary of the retirement board, a sworn statement exhibiting the condition of the teachers' retirement funds on the thirtieth day of the preceding June and their financial transactions for the year ending on such date. Such statements shall be in the form prescribed by the retirement board. The retirement board shall submit to the governor, as provided in section 4-60, a detailed statement of the membership, retirements, withdrawals, investments, incomes and expenditures of the retirement association, which statements shall be printed by the commissioner of finance and control.

(1949 Rev., S. 1605. 1955, S. 1000d. 1957, P.A. 87; September, 1957, P.A. 11, S. 13; 1959, P.A. 272, S. 1; 1967, P.A. 786, S. 4; 1969, P.A. 191, S. 3, 629, S. 6; 1971, P.A. 732; P.A. 76-360.)

Sec. 10-180. Pension reserve fund.

The comptroller is directed to draw orders on the treasurer for the payment into a reserve fund of such moneys as are certified by the teachers' retirement board as necessary, according to the mortality tables adopted by the board, for the payment of pensions allowed to retired teachers. The payment into the reserve fund shall be made in the first month of the fiscal year next following such certification by the teachers' retirement board.

(1949 Rev., S. 1606; 1969, P.A. 629, S. 7; June, 1971, S.A. 1, S. 12.)

Sec. 10-180a. Actuarial surplus or deficit in fund.

When it is determined by a biennial actuarial examination of the teachers' retirement system, made as required by section 10-163, that an actuarial surplus above actuarial liabilities exists in the pension reserve fund, the amount representing one-half of such surplus shall be applied equally in the two fiscal years succeeding such examination by the teachers' retirement board against the next amount or amounts to be certified as necessary to be paid into the pension reserve fund, as provided by section 10-180. Whenever it is determined by such actuarial examination that an actuarial deficit exists in the pension reserve fund, one-half of the amount of such deficit shall be included equally in the two fiscal years succeeding such examination by the teachers' retirement board in its pension reserve estimates as provided in section 10-165.

(1963, P.A. 625; P.A. 74-218, S. 1, 2; P.A. 75-479, S. 14, 25.)

Sec. 10-180b. Issuance of state bonds.

The state bond commission shall have power, in accordance with the provisions of sections 3-17, 3-20, 3-27, 10-165, 10-179 and 10-180 and this section, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding, for each biennium, the difference between the amount appropriated by the legislature and the amount required under subdivision (3) of section 10-165.

(1969, P.A. 629, S. 1.)

Sec. 10-181. Certain towns reimbursed.

Any town or city which has been exempted from the provisions of this chapter, which retires a teacher with a pension annuity or allowance and the board of education of which certifies under oath to the retirement board the amount of such annuity or allowance, shall be reimbursed annually by the state, within one month following the close of the current school year, to such amount as the retirement board determines.

(1949 Rev., S. 1607.)

Sec. 10-182. Insurance deductions.

The teachers' retirement board is authorized, upon the written request of any retired member of the teachers' retirement association, to withhold from such member's monthly retirement allowance an amount sufficient to pay for his expenses in a hospitalization insurance plan, a medical insurance plan, a group insurance plan or for a combination of two or more of such plans. Said board shall pay such deductions as required to the insurer.

(1951, S. 1001d; 1957, P.A. 352.)

Sec. 10-182a. Participation in hospital insurance benefits under social security act.

The provisions of section 7-454 notwithstanding, the members of the teachers' retirement system shall be entitled to participate in hospital insurance benefits when provided in Title II of the Federal Social Security Act. Each member of the teachers' retirement system shall pay to the teachers' retirement board, in a manner prescribed by said board, whatever amount may be required of each member as prescribed in Title II of the Federal Social Security Act when so amended, and the state shall contribute a like amount. The teachers' retirement board, upon receipt of such contributions, shall verify them in accordance with applicable federal regulations and shall forward such contributions to the secretary of the treasury.

(1967, P.A. 615, S. 1.)

Sec. 10-183. Substitute teaching or temporary employment by retired teacher.

A retired member of the retirement association may substitute in any one school year or be employed temporarily as a teaching specialist or homebound instructor in a position subject to membership in the retirement association but shall receive no more than three thousand six hundred dollars as compensation in any case where such compensation is paid out of any public money appropriated for school purposes. Notice of such employment shall be sent to the retirement board by the employing officials monthly and by the retired teacher at the end of each assignment during the school year.

(1957, P.A. 325, S. 1; 1961, P.A. 371; 1963, P.A. 542; 1967, P.A. 824, S. 1.)

Sec. 10-183a. Employment of retired teachers in emergency.

(a) The state teachers' retirement board may, upon certification by the secretary of the state board of education that an emergency exists, authorize a local board of education to reemploy a teacher who has been retired under section 10-166 or upon such certification by the commission for higher education authorize the board of trustees of any of the constituent units of the system of higher education to employ such a teacher, notwithstanding any provision in said section 10-166 to the contrary. Any member so reemployed may elect, upon completion of not less than six months of continuous service, to make contributions to the retirement fund which shall enable him to obtain additional retirement credit for such service when he subsequently retires. He may also elect to obtain credit for the service rendered during the period between the date of such reemployment and the date of such election, provided he shall contribute to the retirement fund at the rate of five per cent of the annual salary paid him during such period, plus interest at the rate of five per cent. Such payment shall be made within six months of the date on which his contributions to the teachers' retirement system shall resume. (b) The pension portion of the monthly payments of the retirement allowance of such reemployed member shall terminate on the first day of the month of such reemployment and thereafter shall be forfeited until the first of the month after such retired member ceases to be a regular teacher, at which time the pension portion of his allowance shall be resumed. (c) Such employment by a local board of education shall not be considered as service qualifying for continuing contract status under section 10-151, and the salary of the retired teacher so employed shall be fixed at an amount at least equal to that paid other teachers in the district with similar training and experience for the same type of service. Such employment by a local board of education or by the board of trustees of any of the constituent units of the system of higher education shall not include survivorship and dependency coverage as provided in section 10-168. (d) The same optional plan which was in effect for such reemployed member during his retirement shall be in full force and effect during his reemployment and retirement thereafter. (e) At the time of his subsequent retirement such reemployed member shall be entitled to receive from the annuity fund, on the basis of tables adopted by the retirement board, an annuity based on the five per cent salary assessments contributed since his reemployment, with regular interest thereon, payable monthly, and a pension which shall be twice the amount of such annuity.

(1967, P.A. 607, S. 1; 1969, P.A. 130, S. 1; 419, S. 1.)

CHAPTER 168

SCHOOL ATTENDANCE AND EMPLOYMENT OF CHILDREN

Sec. 10-184. Duties of parents.

All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States history and in citizenship, including a study of the town, state and federal governments. Each parent or other person having control of a child over seven and under sixteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, or while the school is in session in which provision for the instruction of such child is made according to law, unless the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Children over fourteen years of age shall not be subject to the requirements of this section while lawfully employed at labor at home or elsewhere; but this provision shall not permit such children to be irregular in attendance at school while they are enrolled as pupils nor exempt any child who is enrolled as a member of a school from any rule concerning irregularity of attendance enacted by the board of education having control of the school.

(1949 Rev., S. 1445; 1959, P.A. 198, S. 1.)

Words "those who have the care of children" equivalent to parents or guardians. 59 C. 489. Statute to receive a liberal construction. 59 C. 492. State can compel school attendance but cannot compel public school attendance for those who choose to seek, and can find, equivalent elsewhere. 147 C. 374. Cited. 148 C. 238; 149 C. 720.

Statute widely applied, no denial of equal protection. 29 CS 397.

Sec. 10-185. Penalty.

Each week's failure on the part of a person to comply with any provision of section 10-184 shall be a distinct offense, punishable by a fine not exceeding five dollars. Said penalty shall not be incurred when it appears that the child is destitute of clothing suitable for attending school and the parent or person having control of such child is unable to provide such clothing, or its mental or physical condition is such as to render its instruction inexpedient or impracticable. All offenses concerning the same child shall be charged in separate counts in one complaint. When a complaint contains more than one count, the court may give sentence on one or more counts and suspend sentence on the remaining counts. If, at the end of twelve weeks from the date of the sentence, it appears that the child concerned has attended school regularly during that time, judgment on such remaining counts shall not be executed.

(1949 Rev., S. 1446.)

Sec. 10-186. Duties of towns and regional school districts. Hearing. Appeal.

Each town or regional school district shall furnish, by transportation or otherwise, school accommodations so that each child over five and under twenty-one years of age who is not a graduate of a high school or vocational school may attend public school. If any town or district fails to furnish such accommodations, the parent or guardian of any child who is deprived of schooling, or an agent or officer whose duty it is to compel the observance of the laws concerning attendance at school, may, in writing, request a hearing by the board of education, and such board shall give such person a hearing within ten days after receipt of written request, shall make a stenographic record or tape recording of such hearing and shall make a finding within ten days after such hearing. Any such hearing shall be in compliance with the provisions of sections 4-177 to 4-180, inclusive. Any parent, guardian or officer aggrieved by such finding shall, upon request, be provided with a transcript of the hearing within thirty days of such request and may take an appeal therefrom to the state board of education. The chairman of the state board of education shall designate a member or members of such board or a member or members of the professional staff of the state department of education to hold a public hearing in the town or district in which the cause of the complaint arises and report thereon to said board. Such hearing members may examine witnesses but shall have no other powers vested in the state board of education under this section. If, after considering such report, the state board of education finds that any child is illegally or unreasonably deprived of schooling, said board shall order the board of education of such town or regional school district to make arrangements to enable such child to attend public school, provided the finding of the board of education of a town or regional school district shall be upheld unless it is determined by the state board of education that such finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order within one month after receipt thereof and no suitable provision is made for such child deprived of schooling, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to two dollars and twenty-five cents for each child for each week such child is deprived of schooling.

(1949 Rev., S. 1447; 1955, S. 941d; 1967, P.A. 463, S. 1.) Effective July 1, 1968, except with respect to any extension granted to a school district by the state board of education to open kindergartens no later than July 1, 1969, in which case the provisions of this section shall take effect with respect to such school district no later than July 1, 1969. (P.A. 75-639.)

Cited. 99 C. 695; 115 C. 159; see note to Ch. 106. This section must be read with section 10-220 and therefore failure of town to provide transportation which is reasonable and desirable for safety of school children constitutes failure to furnish school accommodations within this section. 148 C. 238 (one judge dissenting). State board cannot dictate, as between reasonable alternatives, what local board shall provide, but state board can require reasonable compliance with general mandate contained in the statutes. Id. A town or local board of education cannot question legality of this section for as creatures of state they cannot challenge legislation enacted by their creator. reld. Held not improper for officer conducting the hearing to visit locale involved and make an investigation of his own. Id.

Sec. 10-187. *Appeal from finding of state board.

Any parent or guardian or any town aggrieved by the finding of said state board of education rendered under the provisions of section 10-186 may appeal to the court of common pleas for the county or judicial district within which such town is situated or to any judge thereof in vacation.

(1949 Rev., S. 1448; 1971, P.A. 870, S. 19; P.A. 74-183, S. 188, 291.)

***See P.A. 76-436, S. 164 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Cited. 148 C. 238.

Sec. 10-188. Private schools and instruction.

Attendance of children at a school other than a public school shall not be regarded as compliance with the laws of the state requiring parents and other persons having control of children to cause them to attend school, unless the teachers or persons having control of such school keep a register of attendance in the form and manner prescribed by the state board of education for the public schools, which register shall, at all times during school hours, be open to the inspection of the secretary and agents of the state board of education, and make such reports and returns concerning the school under their charge to the secretary of the state board of education as are required from boards of education concerning the public schools, except that no report concerning finances shall be required. The secretary of the state board of education shall furnish to the teachers or persons having charge of any school, on their request, such registers and blanks for returns as may be necessary for compliance with the provisions of this section.

(1949 Rev., S. 1449.)

Cited. 147 C. 374; 149 C. 720.

Sec. 10-189. Leaving certificate.

No child under sixteen years of age shall be permitted to labor in any occupation, unless the employer of such child, or the parent or guardian, if the child is to leave school to labor at home, has first obtained a leaving certificate, issued to such child and signed by the secretary of the state board of education, or an agent designated by said board, releasing such child from regular school attendance, and showing that such child has completed a course of study equivalent to eight yearly grades and is fourteen years of age or over. No leaving certificate shall be issued unless it is made to appear to the authority to whom the application is made for such certificate that it is for the best interest of the child that such certificate be issued. Such leaving certificate shall be in the form prescribed and upon a blank furnished by said board and shall be issued in triplicate. One copy thereof shall be delivered to the parent or guardian of such child, one copy delivered to the employer, if other than the parent or guardian, and one copy deposited in the office of the state board of education. The secretary, or an agent of said board, to whom application is made for a certificate as provided in this section, shall have authority to require all statements of fact offered in support of such application to be made under oath, and such oath may be administered by said secretary or such agent. Said secretary shall, upon application of any person, furnish a copy of the certificate provided for in this section.

(1949 Rev., S. 1450.)

Sec. 10-190. *Educationally retarded children, exception.

The secretary of the state board of education may, (a) if it appears to him to be for the best interest of an educationally retarded child or (b), upon the recommendation of a judge of the juvenile court or of a superintendent of schools, if it appears to him to be for the best interest of such child or the other children of the school, release such child from the provisions of section 10-189 requiring the completion of eight yearly grades and issue to such child a leaving certificate as provided in said section.

(1949 Rev., S. 1451; 1955, S. 942d.)
***See P.A. 78-436, S. 472 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**
See Sec. 10-75b.

Sec. 10-191. Physical examination.

The secretary or an agent of the state board of education shall cause each child for whom a leaving certificate has been requested to be examined by a physician designated by said board. Such examining physician shall, before any leaving certificate is issued to such child, file with the agent of said board his certificate, on a form provided by said board, setting forth the height and weight of such child, the condition of his eyes and teeth and such other information regarding his physical condition as is necessary, and whether he is physically fit for the employment specified in the statement of the prospective employer and shall indicate the kind of employment suitable for him in view of his physical condition. When the examining physician considers it advisable, he may issue a certificate of physical fitness for a limited time, at the expiration of which time the child shall again be examined before being permitted to continue at such work. In carrying out the provisions of this section, the town in which the child resides shall pay the expense of the examination.

(1949 Rev., S. 1452.)

Sec. 10-192. Employer's duty upon receiving leaving certificate.

Each employer receiving a certificate issued under the provisions of section 10-189 shall promptly notify the state board of education, in writing, in the form prescribed and upon a blank furnished by said board, of the time of commencement of the employment of any child thereunder and, whenever such employment terminates before such child attains the age of sixteen years, of the time of the termination of such employment. Any person who violates any provision of this section shall be fined not more than ten dollars.

(1949 Rev., S. 1453.)

Sec. 10-193. Certificate of age for minors in certain occupations.

(a) The superintendent of schools of any town or regional school district or an agent designated by him shall, upon application and in accordance with procedures established by the state board of education, furnish, to any person desiring to employ a minor under the age of eighteen years in any manufacturing, mechanical, mercantile or theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-shining establishment or barber shop, a certificate showing that such minor is more than sixteen years of age. (b) Such superintendent of schools or his agent shall, upon application and in accordance with procedures established by the state board of education, furnish, to any person desiring to employ a minor in any occupation deemed hazardous or injurious to his health, a certificate showing that such minor is more than eighteen years of age. (c) The state board of education shall establish procedures governing the issuance of such certificates.

(1949 Rev., S. 1454; 1957, P.A. 101.)
See Sec. 31-23.
Minor employed in violation of this statute not barred from recovery under workmen's compensation act. 111 C. 229.

Sec. 10-194. Penalty.

Any employer or other person having control of any establishment or premises where children under sixteen years of age are employed who neglects to have and keep on file the certificate described in section 10-189 or to show the same, with a list of the names of such children so employed, to the secretary or an agent of the state board of education, when demanded during the usual business hours, shall be fined not more than one hundred dollars. Any person, whether acting for himself or as agent for another, who employs any minor under the age of eighteen years at any occupation described in subsection (a) of section 10-193 or who employs any minor at any occupation described in subsection (b) of section 10-193, without having obtained a certificate as provided therein, or who employs or authorizes or permits to be employed any child under sixteen years of age in violation of section 10-189, shall be fined not more than one hundred dollars.

(1949 Rev., S. 1455.)

Sec. 10-195. Evidence of age.

Upon the trial of any person who has wilfully employed or has had in his employment or under his charge any child in violation of the provisions of this chapter and of any parent or guardian who has permitted any such child to be so employed, a certificate of the age of such child, made as provided in sections 10-189 and 10-193, shall be conclusive evidence of his age.

(1949 Rev., S. 1456.)

Sec. 10-196. Agents.

Section 10-196 is repealed.

(1949 Rev., S. 1457; February, 1965, P.A. 112, S. 1.)
See Sec. 10-199.

Sec. 10-197. Penalty for employment under fourteen.

Any person who employs a child under fourteen years of age during the hours while the school which such child should attend is in session, and any person who authorizes or permits on premises under his control any such child to be so employed, shall be fined not more than twenty dollars for each week in which such child is so employed.

(1949 Rev., S. 1458.)

Sec. 10-198. False statement as to age.

Any parent or other person having control of a child, who makes any false statement concerning the age of such child with intent to deceive any registrar of vital statistics or the teacher of any school, or instructs a child to make any such false statement, shall be fined not more than twenty dollars.

(1949 Rev., S. 1459.)

Sec. 10-199. Attendance officers. Duties.

The board of education in any town may appoint one or more persons, who shall be authorized to prosecute for violations of the laws relating to attendance of children and their employment. All warrants issued upon such prosecutions shall be returnable before any court having jurisdiction. Each attendance officer shall be sworn to the faithful performance of his duties and shall be under the direction of the principal or superintendent of schools or supervising agent of the town wherein he is employed. He shall investigate the absence of pupils from or the irregular attendance of pupils at school, cause such pupils as are absent or irregular in attendance to attend school regularly and present cases requiring prosecution for violation of the school laws to prosecuting officers.

(1949 Rev., S. 1460.)
See Secs. 10-3, 10-225.

Sec. 10-200. Habitual truants.

Each city and town may adopt ordinances concerning habitual truants from school and children between the ages of seven and sixteen years wandering about its streets or public places, having no lawful occupation and not attending school; and may make such ordinances respecting such children as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars, for any one breach thereof. The police in any town, city or borough and bailiffs, constables, sheriffs and deputy sheriffs in their respective precincts shall arrest all such children found anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school terms, and may stop any child under sixteen years of age during such hours and ascertain whether he is a truant from school, and, if he is, shall send him to school.

(1949 Rev., S. 1461; 1957, P.A. 13, S. 61.)
See Sec. 7-95.

Sec. 10-201. *Fees for arresting truants.

Officers other than policemen of cities shall receive for making the arrests required by section 10-200 such fees, not exceeding the fees allowed by law for making other arrests, as may be allowed by the selectmen of the town in which such arrests are made; but unless a warrant was issued by a judge of the juvenile court the officer shall, before receiving his fees, present to the selectmen of the town a written statement showing the name of each child arrested, the day on which the arrest was made and, if the child was returned to school, the name or number of the school to which he was so returned.

(1949 Rev., S. 1462.)
***See P.A. 76-436, S. 652 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 10-202. *Warrant and hearing.

In all cases arising under the provisions of sections 10-200 and 10-201 a proper warrant shall be issued by a judge of the juvenile court in the jurisdiction where such arrest is made; and the parent or guardian of such child, shall be notified, if such parent or guardian can be found, of the day and time of hearing.

(1949 Rev., S. 1463; P.A. 74-76.)
***See P.A. 76-436, S. 653 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

CHAPTER 169

SCHOOL HEALTH AND SANITATION

Sec. 10-203. Sanitation.

Each schoolhouse shall be kept in a clean and sanitary condition and shall be provided with a sufficient number of suitable flush toilets or privies, adequately screened and ventilated, and adjacent handwashing facilities for the use of the pupils attending such school. Toilet facilities shall be so located as to be readily supervised by adult staff or shall be in separate rooms for boys and girls. Whenever it is found by the state board of education, or by the board of education of the town in which any schoolhouse is located, that further or different sanitary provisions or means of lighting or ventilating are required in any schoolhouse, and that the same can be provided without unreasonable expense, either of said boards may recommend to the person or authority in charge of or controlling such schoolhouse such change in the ventilation, lighting or sanitary arrangements of such schoolhouse as they deem necessary. If such changes are not made substantially as recommended within a reasonable time from the date of notice thereof, the state board of education or town board of education may make complaint to the state department of health, which shall, after notice to and hearing of the parties interested, order such changes made in the lighting, ventilation or sanitary arrangements of such schoolhouse as it deems necessary. The local director of health shall supervise the sanitation in any school cafeteria. Each schoolhouse shall be provided with a safe and adequate water supply. The word "schoolhouse" shall include any buildings or premises in which instruction is afforded to not less then ten pupils at one time.

(1949 Rev., S. 1464; 1955, S. 943d.)

Sec. 10-204. Vaccination.

The board of education may require each child to be vaccinated except for smallpox before being permitted to attend a public school under its jurisdiction, unless such child presents a certificate from a physician, approved by the director of health of the town, city or borough, practicing in or near the town where such child resides, certifying that, in the opinion of such physician, such vaccination would not be prudent on account of the physical condition of such child. If the parents or guardians of any children are unable to pay for such vaccination, the expense thereof shall, on the recommendation of such board, be paid by the town.

(1949 Rev., S. 1465; 1967, P.A. 288, S. 2; 1972, P.A. 35.)

See Sec. 10-15.

Statute held to be constitutional and in the exercise of reasonable police power. 65 C. 183.

Sec. 10-204a. Measles immunization and poliomyelitis vaccination, when required.

(a) Each board of education shall require each child to be protected against measles by immunization and any board of education may require each child to be protected against poliomyelitis by vaccination before being permitted to attend a public school under its jurisdiction, unless such child presents a certificate from a physician, approved by the director of health of the town, city or borough, practicing in or near the town where such child resides, certifying that, in the opinion of such physician, such vaccination or immunization would not be prudent on account of the physical condition of such child or a statement from the parents or guardian of such child that such vaccination or immunization would be contrary to the religious beliefs of such child or, in the case of immunization against measles, that such child has had measles.

(b) This section shall take effect June 7, 1973, provided no child may be barred from attendance at a public school for failure to comply with the measles immunization requirement of subsection (a) for a period of thirty days from said date.

(1959, P.A. 588, S. 1; 1969, P.A. 42, S. 1; P.A. 73-510, S. 1, 2.)

Sec. 10-204b. Rubella immunization.

Each board of education shall require each child under twelve years of age to be protected against rubella by immunization befove being permitted to attend a public school under its jurisdiction, unless a parent or guardian of such child presents a written statement that such parent or guardian does not wish to have such child so immunized. In the case of any child enrolled in a school under the jurisdiction of a board of education on October 1, 1971, the immunization required hereunder shall be effected not later than January 1, 1972.

(1971, P.A. 296.)

Sec. 10-205. Appointment of school medical advisers.

The board of education of any town having a population of ten thousand or more shall, and the board of education of any town having a population of fewer than ten thousand may, appoint one or more legally qualified practitioners of medicine as school medical advisers and shall assign such adviser or advisers to the public school or schools within the limits of such town, and shall provide such medical advisers with adequate facilities to provide for privacy during health examinations of individual pupils and for such duties as may be prescribed by such board, provided, in towns in which the board of health is maintaining such service substantially as required in connection with the school program of health supervision and other duties performed by school medical advisers, the board of health shall appoint and assign such advisers, and provided, the chief executive officer of any town may, after consultation with the board of education, designate its director of health, as provided under section 19-75, as the chief medical adviser for its public schools. Two or more towns may unite in the hiring and appointing of school medical advisers under arrangements for the payment of the expenses thereof and the performance of duties agreed upon by their boards of education. Any town board of education appointing school medical advisers shall prescribe the functions and duties of such advisers in order that the program of health protection and health supervision, as outlined by such town board and approved by the state board of education, shall be carried out. In the event a town director of health is designated as the chief medical adviser, such town board shall consult with such director on the functions and duties of school medical advisers.

(1949 Rev., S. 1466; 1972, P.A. 239, S. 1.)

Cited. 115 C. 160; see note to Ch. 106. 152 C. 568.

Sec. 10-206. Health examinations.

Boards of education shall require each pupil enrolled in the public schools to have a health examination either by a legally qualified practitioner of medicine or by the school medical adviser at least once in each three-year interval to ascertain whether such pupil is suffering from any physical disability tending to prevent him from receiving the full benefit of school work and to ascertain whether such school work should be modified in order to prevent injury to the pupil or to secure for the pupil the best educational results, provided no physical examination shall be made of any female child in attendance at any public school unless such examination is made by a woman physician, or unless, after notice to the parent or guardian of such child, and a reasonable opportunity to be present at such examination having been given, such examination is made in the presence of such parent or guardian or of a female nurse employed in such school or of a female school employee specifically assigned by the principal or superintendent of schools. The result of the examinations so made shall be recorded on forms supplied by the board of education, providing for a cumulative health record of each pupil. Such record or a true copy thereof shall be kept on file in the school the pupil attends. When a pupil moves to another town, his cumulative health record or a true copy thereof shall be sent to the superintendent of schools of the town to which he moves. Each physician making examinations of pupils shall sign each form containing the record of an examination made by him and shall make his recommendations concerning the pupil in writing.

(1949 Rev., S. 1467.)

Sec. 10-207. Duties of medical advisers.

Each school medical adviser shall make a prompt examination of all pupils referred to him by the school nurse, teacher, principal or superintendent, and shall interpret to such nurse, teacher, principal or superintendent, and to the parents of each such pupil, his findings, with his recommendations as to how the pupil should be cared for and what provisions, if any, should be made at the school for the care and welfare of such pupil. Each such school medical adviser shall also make examinations of teachers, janitors and others in the employment of the board of education when he is requested to do so by the board of education or when, in his opinion, such examinations are necessary for the protection of health, provided he shall accept the report of an equivalent physical examination by any reputable physician chosen by such teacher, janitor or other employee in lieu thereof. He shall make such sanitary inspection of school buildings as, in his opinion, is necessary for the protection of the health of pupils. The school medical adviser shall take steps to preserve and improve the health of pupils in accordance with the requirements of the public health code of this state established by the public health council under the provisions of section 19-13 or the sanitary regulations in force in such town or district in excluding and readmitting pupils or teachers or other school employees suspected of being ill, or ill, with any communicable disease. In cooperation with the director of health, the school medical adviser shall interpret to teachers and nurses factors dealing with communicable disease control.

(1949 Rev., S. 1468; 1955, S. 944d.)

Sec. 10-208. Exemption from examination or treatment.

No provision of sections 10-205 to 10-207, inclusive, shall be construed to require any pupil to undergo a physical or medical examination or treatment, or to be compelled to receive medical instruction, if the parent or legal guardian of such pupil, in writing, notifies the teacher or principal or other person in charge of such pupil that he objects, on religious grounds, to such physical or medical examination or treatment or medical instruction.

(1949 Rev., S. 1469.)

Sec. 10-209. Records not to be public.

No record of any medical examination made or filed under the provisions of sections 10-205 to 10-207, inclusive, or of any psychological examination made under the supervision or at the request of a board of education, shall be open to public inspection.

(1949 Rev., S. 1470; 1963, P.A. 545.)

Sec. 10-210. Notice of disease to be given parent or guardian.

Notice of any disease or defect from which any child is found by such school medical adviser to be suffering shall be given to the parent or guardian of such child, with such advice or order relating thereto as such medical adviser deems advisable, and such parent or guardian shall cause such child to be treated by a reputable physician for such disease or defects. When any child shows symptoms of any communicable disease, notice shall also be given to the director of health or board of health and such child shall be excluded from attendance at such school and not permitted to return without a permit from the town, city or borough director of health.

(1949 Rev., S. 1471.)

Sec. 10-211. Notice to state board.

Section 10-211 is repealed.

(1949 Rev., S. 1472; 1963, P.A. 300.)

Sec. 10-212. School nurses.

The board of education may appoint one or more school nurses, who shall take such action as may be necessary for safeguarding the health of the pupils and teachers of the schools. Such school nurses may also act as visiting nurses in the town, may visit the homes of pupils in the public schools and shall assist in executing the orders of the school medical adviser, if there is any in such town, and perform such other duties as are required by such board.

(1949 Rev., S. 1473.)
Cited. 152 C. 568.

Sec. 10-212a. Administration of medicines by school personnel.

(a) A school nurse or, in the absence of such nurse, the principal or any teacher of a school may administer medicinal preparations, including such controlled drugs as the public health council may, by regulation, designate, to any student at such school pursuant to the written order of a physician licensed to practice medicine in this state and the written authorization of a parent or guardian of such child. No such school nurse, principal or teacher shall be liable to such student or a parent or guardian of such student for civil damages for any personal injuries which result from acts or omissions of such nurse, principal or teacher in administering such preparations which may constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, wilful or wanton negligence.

(b) Each school wherein any controlled drug is administered under the provisions of this section shall keep such records thereof as are required of hospitals under the provisions of subsection (f) of section 19-461 and shall store such drug in such manner as the public health council shall, by regulation, require.

(1969, P.A. 723, S. 1; P.A. 74-86.)

Sec. 10-213. Dental hygienists.

Any board of education may employ dental hygienists to cleanse and keep clean the teeth of school children in attendance at the public schools in such town, and the authority authorized to appropriate money for the support of such schools in the town wherein such hygienists have been employed may make such appropriation as may be necessary for such purpose.

(1949 Rev., S. 1474.)
Cited. 152 C. 568.

Sec. 10-214. Testing of eyesight.

The state board of education shall prepare or cause to be prepared suitable test cards and blanks to be used in testing the eyesight of pupils in public schools, and shall furnish the same, together with all necessary instructions for their use, free of expense, to each school in the state. The superintendent, pprincipal or teacher, in each school in which no examination or inspection has been made under the provisions of section 10-206, shall annually, during the fall term, test the eyesight of all pupils under his charge according to the instructions furnished and shall give written notice to the parent or guardian of each pupil who is found to have any defect of vision or disease of the eyes, with a brief statement of such defect or disease, and shall make a written report of all such cases to the state board of education. Such examination and inspection may be performed by any licensed optometrist, provided he is appointed for such purpose in the same manner as medical advisers are appointed under the provisions of section 10-205.

(1949 Rev., S. 1475.)
See Sec. 20-136.
Cited. 152 C. 568.

Sec. 10-214a. Eye-protective devices.

The state board of education shall make regulations concerning the use of appliances and devices for eye protection in the laboratories and workshops of all public and private elementary and secondary schools, including regional vocational technical schools. Such regulations shall prescribe the kind and construction of such appliances and devices and the times during which they shall be used. The board, or equivalent supervisory body, which is responsible for the administration of any such school shall be responsible for compliance with said regulations.

(1967, P.A. 572, S. 1.)

Sec. 10-215. Lunches, breakfasts and other feeding programs for public school children and employees.

The board of education of any school district may establish and operate a school lunch program, as provided in the national school lunch act, as amended, for public school children and may operate lunch services for its employees. Such a board may establish a school breakfast program, as provided in the federal child nutrition act, as amended, or such other child feeding programs as it deems necessary. Charges for such lunches, breakfasts or other such feeding may be fixed by such boards and shall not exceed the cost of food, wages and other expenses directly incurred in providing such services. When such services are offered, a board shall provide free lunches, breakfasts or other such feeding to children whose economic needs require such action under the standards promulgated by said federal laws. Such board is authorized to purchase equipment and supplies that are necessary, to employ the necessary personnel, to utilize the services of volunteers and to receive and expend any funds and receive and use any equipment and supplies which may become available to carry out the provisions of this section. Any town board of education may vote to designate any volunteer organization within the town to provide a school lunch program, school breakfast program or other child feeding program in accordance with the provisions of this section.

(1949 Rev., S. 1476; 1953, S. 945d; 1971, P.A. 702, S. 1.)
See Sec. 10-237.
Cited. 152 C. 568.

Sec. 10-215a. Non-public school participation in feeding programs.

Non-public schools may participate in the school breakfast, lunch and other feeding programs provided in sections 10-215 to 10-215c under regulations promulgated by the state board of education in conformance with said sections and the federal laws governing said programs.

(1971, P.A. 702, S. 2.)

Sec. 10-215b. Duties of state board of education re feeding programs.

(a) The state board of education is authorized to expend in each fiscal year an amount equal to the money required pursuant to the matching requirements of said federal laws and shall disburse the same in accordance with said laws.

(b) The state board of education shall prescribe the manner and time of application by the school boards or controlling authority of the non-public schools for such funds, provided such application shall include the certification that any funds received pursuant to subsection (a) of this section shall be used for the program approved. The state board of education shall determine the eligibility of the applicant to receive such grants pursuant to regulations provided in subsection (c) of this section and shall certify to the comptroller the amount of the grant for which the school district or non-public school is eligible. Upon receipt of such certification, the comptroller shall draw his order on the treasurer in the amount, at the time and to the payee so certified.

(c) The state board of education shall issue regulations implementing sections 10-215 to 10-215c, inclusive. Such regulations shall also prescribe health and nutritional standards for public and non-public schools to be observed in these programs and the use of local and regional facilities including central kitchens and food processing services which will achieve economies of operation. Such regulations shall provide for the minimal nutritional needs of each child within the state, giving priority to schools enrolling the most children of limited economic means as described in section 10-215.

(1971, P.A. 702, S. 3-5.)

Sec. 10-215c. Annual report.

The state board shall on or before February first annually report to the governor and the general assembly on the operation of its child nutrition program. Said report shall apprise the general assembly of the true condition, progress and needs of child nutrition programs in the state, and shall contain the following information: (a) A detailed analysis, by program, of the disbursement to the various school districts of all state and federal funds expended for the child nutrition program; (b) a specific plan of child nutrition activities for the coming fiscal year which shall include (1) a list of the schools not participating in the school lunch program, together with the average daily membership in such schools, (2) a list of those schools needing but not participating in the school breakfast program, together with the average daily membership in such schools, and (3) a detailed program for expanding the school lunch program to every school within the state, giving priority in compliance with federal law to schools in areas with a high concentration of needy children and extending the benefits of the school breakfast program to children in need of such benefits.

(1971, P.A. 702, S. 6; P.A. 73-310.)

Sec. 10-216. Payment of expenses.

The expenses incurred under the provisions of this chapter, except the expenses of school lunch programs, shall be paid in the same manner as are the ordinary expenses for the support of schools in the several towns and school districts.

(1949 Rev., S. 1477; 1953, S. 946d.)

Sec. 10-217. Penalty.

Any person who is responsible for the violation of any provision of this chapter shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(1949 Rev., S. 1464; 1955, S. 943d.)

Sec. 10-217a. Health and welfare services for children in nonprofit private schools. State aid.

(a) Each town which provides health and welfare services for children attending its public schools shall provide the same health and welfare services for children attending private schools therein, not conducted for profit, when a majority of the children attending such schools are from the state of Connecticut. Such health and welfare services shall include the services of a school physician, school nurse and dental hygienist, school psychologist, speech remedial services, school social worker's services, special language teachers for non-English speaking students and such similar services as may be provided by said town to children in attendance at public schools.

(b) Any town providing such services for children attending such private schools shall be reimbursed by the state for the amount paid for such services. At the close of each school year any town which provides such services shall file an application for such reimbursement on a form to be provided by the state board of education. Payment shall be made as soon as possible after the close of each fiscal year.

(c) The pay of certificated personnel shall be subject to the rules and regulations providing for deduction for the state teacher's retirement fund by the board of education of such town applicable to certificated teaching personnel in the public schools of such town. This subsection (c) shall be retroactive to July 1, 1968.

(1967, P.A. 481, S. 1, 2; 1969, P.A. 568, S. 1; 1972, P.A. 296, S. 1.)
See Sec. 10-178, ch. 172a.

Sec. 10-217b. Appropriation.

The balance of the appropriations under section 10-281v of the 1969 supplement to the general statutes is deemed to be available to carry out the purposes of subsection (a) of section 10-217a.

(1972, P.A. 296, S. 2.)

CHAPTER 170*

BOARDS OF EDUCATION

*Local boards of education are not agents of the towns but creatures of the state. 25 CS 305.

Sec. 10-218. Officers. Meetings.

Each board of education shall, not later than one month after the date on which the newly elected members take office, elect by ballot from its number a chairman and elect a secretary of such board and may prescribe their duties. If such officers are not chosen after one month because of a tie vote of the members, the town council or, if there is no town council, the selectmen of the town shall choose such officers from the membership of the board. The chairman of the board of education or, in case of his absence or inability to act, the secretary shall call a meeting of the board at least once in six months and whenever he deems it necessary or is requested in writing so to do by three of its members. If no meeting is called within fourteen days after such a request has been made, one may be called by any three members by giving the usual written notice to the other members.

(1949 Rev., S. 1478; 1957, P.A. 165, S. 1; February, 1965, P.A. 202, S. 1.)
See Sec. 10-225.
Town's power under former statute to pay school committeemen, not acting as school visitors, is limited to the secretary and treasurer of the school committee. 103 C. 424.

Sec. 10-218a. Oath of office.

Members of boards of education shall, before entering upon their official duties, take the oath of office provided in section 1-25.

(1959, P.A. 76.)

Sec. 10-219. Vacancy.

If a vacancy occurs in the office of any member of the board of education, unless otherwise provided by charter or special act, it may be filled by the remaining members of said board until the next regular town election, at which election a successor shall be elected for the unexpired portion of the term, the official ballot specifying the vacancy to be filled.

(1949 Rev., S. 1500, 1502; 1953, S. 950d; 1967, P.A. 173.)

See Sec. 9-1.

Sec. 10-220. Duties of boards of education.

Boards of education shall maintain in their several towns good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a and provide such other educational activities as in their judgment will best serve the interests of the town; provided any board of education may secure such opportunities in another town in accordance with provisions of the general statutes and shall give all the children of the town as nearly equal advantages as may be practicable; shall have charge of the schools of their respective towns; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall employ and dismiss the teachers of the schools of such towns subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within their several towns; shall make such provisions as will enable each child of school age, residing in the town, who is of suitable mental and physical condition, to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child between the ages of seven and sixteen living in the town to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of them by the town or necessary to carry iinto effect the powers and duties imposed upon them by law.

(1949 Rev., S. 1501; 1949, 1953, 1955, S. 957d; February, 1965, P.A. 574, S. 11; 1969, P.A. 690, S. 4.)

See Secs. 7-130, 10-4b.

Powers conferred and duties imposed by former statute construed. 65 C. 183. Former statute cited. 77 C. 195. Town may defend action brought against committee for official acts under former statute; duties as to moral fitness of teachers. 79 C. 240. Control of town over committee under former statute. 82 C. 566. Former statute held not to repeal provision in city charter. 82 C. 124. Former "school committee" was agent of law and not of the town. 99 C. 695. Cited. 129 C. 191; 134 C. 616; 143 C. 488. Actions of board, within confines of its powers, not subject to control of city common council or officers. 147 C. 478. If land devoted to school purposes, held city could not condemn it for a highway without approval of school committee. Id. This section must be read with section 10-186 re furnishing of transportation for school children, and it comprehends not only distance but safety factors. 148 C. 238 (one judge dissenting). Number of teaching positions, need of curriculum coordinator and maintenance of school properties were matters within discretion of school board. 151 C. 148-150. Cited. 152 C. 148-150. Ability of board to perform its statutory duties not destroyed by requirement of town charter that it select nonprofessional employees under civil service requirements. Id., 568. Cited. 153 C. 283. Cited. 162 C. 568. Town boards of education, in matters not involving strictly budgetary concerns, act as agents of the state. Under powers to "employ and dismiss" teachers town boards of education can determine contested cases. 167 C. 368. Town, by referendum could delegate its power of eminent domain to board of education which had authority to exercise it. 168 C. 135.

Elements justifying indemnification of a board member. 9 CS 442. Board as agent of the state. 19 CS 158. Cited. 15 CS 370. Boards of education may discontinue or unite schools; history of section reviewed. 16 CS 339. Boards of education may accord problem of racial imbalance relevance in making decisions. 26 CS 124. Cited. 27 CS 339. Extension of a "project concern" contract made by board of education of Milford with board of New Haven is an administrative decision to be made by board as agency of the state under its authority set out in sections 10-220 through 10-239 and board of aldermen was enjoined from holding an advisory referendum of voters as this would be an unlawful expenditure of city funds. 28 CS 207. School boards are agents of the state... not subject to recall under a municipal charter. 29 CS 201. Cited. 30 CS 63. The Connecticut education system violates Article I, Sec. 20 and Article VIII, Sec. 1 of the Connecticut Constitution. 31 CS 379. Relationship between boards of education and municipal budget authorities. Extent of municipal obligation to finance education. 32 CS 132.

Sec. 10-220a. In-service training. Drug and alcohol education. Policy statement on drugs.

(a) The board of education of every school district shall by September 1, 1974, provide an in-service training program for its teachers, administrators and guidance personnel who hold the provisional or standard certificate. Such program shall be approved by the state board of education, and shall provide such teachers, administrators and guidance personnel with information as to the nature and the relationship of drugs, as defined in subdivision (17) of section 19-443, and alcohol to health and personality development, and procedures for discouraging their abuse.

(b) The board of education of every school district shall establish an on-going program on the use and the relationships of such drugs and alcohol to health and personality development as a part of a health education program, to be included in the curriculum from kindergarten through grade twelve, which shall be coordinated with educational programs developed under subsection (a) of section 10-19. Such program shall be submitted to the state board of education by September 1, 1974, for approval by said board in accordance with such regulations as it may adopt.

(c) The board of education of every school district shall adopt a written policy statement in conformity with section 10-154a, on (1) the use, sale or possession of controlled drugs as defined in subdivision (8) of section 19-443, on school property, (2) procedures for referring drug users, sellers or persons who have such drugs in their possession to such bodies or agencies as said board deems appropriate, and (3) procedures for cooperation with law enforcement officials. Such statement shall be filed with the state board of education before September 1, 1974.

(P.A. 73-632, S. 4, 5; P.A. 75-211, S. 2.)

Sec. 10-221. Boards of education to prescribe rules.

Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools and, subject to the control of the state board of education, the textbooks to be used; shall make rules for the arrangement, use and safe-keeping, within their respective jurisdictions, of the school libraries and approve the books selected therefor, and shall approve plans for schoolhouses and superintend any high or graded school in the manner specified in this title.

(1949 Rev., S. 1479.)
See Sec. 11-23.
Cited. 152 C. 148-150. Effect of teacher negotiation act on educational policy. 162 C. 577.
Board of education is agent of the state and not of the town in maintenance and management of public schools. 19 CS 158. Cited. 29 CS 397. Cited. 30 CS 63.

Sec. 10-222. Appropriations and budget.

The board of education in each city or town, and the school committee of each school district, as the case may be, shall prepare an itemized estimate of the cost of maintenance of public schools for the ensuing year and shall submit such estimate to the board of finance in each town having a board of finance and to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, otherwise to the authority making appropriations therein, not later than two months preceding the annual meeting at which appropriations are to be made. The money appropriated by any city, town or school district for the maintenance of public schools shall be expended by and in the discretion of the board of education. Any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate. Expenditures by the board of education in each city, town or school district, as the case may be, shall not exceed the appropriation made by the city, town or school district, with such money as may be received from other sources for school purposes. The annual report of the board of education shall include a summary showing (a) the total cost of the maintenance of schools; (b) the amount received from the state and other sources for the maintenance of schools, and (c) the net cost to the town, city or school district of the maintenance of schools.

(1949 Rev., S. 1480.)

Cited. 115 C. 158; see note to Ch. 106. Estimates should be itemized so as to indicate whether or not proposed expenditures are for purposes as to which board of education has duty or independent discretion. 127 C. 351. Under this section and provisions of charter Bridgeport board of education has full discretion as to expenditures of money appropriated for school purposes. 133 C. 415. If board of finance properly exercises its discretion and budget is approved by town, boaard of education has no power to exceed appropriations made. 138 C. 521. Board of finance cannot place funds for school purposes in general government budget to be paid to school board on happening of certain contingencies. 151 C. 1. Cited. 152 C. 568. Cited. 162 C. 393. Cited. 163 C. 537.

Cited. 14 CS 280; 15 CS 370. Board of finance may reduce the estimate submitted by the board of education; authority of board to refuse to honor vouchers up to the amount of money appropriated for maintenance of schools during the fiscal year discussed. 20 CS 224. Phrase in third sentence "with such money as may be received from other sources for school purposes" does not apply to state and federal grants. 25 CS 9. Appropriation request may be reduced by amount board of aldermen, in its discretion, considers is larger than is reasonably necessary. Id. Provision in Trumbull charter re failure of board of finance to adopt budget for submission to town council upheld. 32 CS 132. Relationship between boards of education and municipal budget authorities. Extent of municipal obligation to finance education. 32 CS 132.

Sec. 10-223. Separate high school accounts.

The board of education of any town maintaining one or more high schools in which the course or courses of instruction require a year or more for completion shall keep at least two separate accounts of expenditures, one of which accounts shall include all expenditures for the maintenance of such high school or schools and the other shall include all expenses for the maintenance of the grades below the high school. A statement of the total expenditures thus determined shall be published in the annual report of the board of education and shall be incorporated in tabular form in the annual report to the state board of education. Such reports shall include a statement showing the average cost per pupil in the high school and in the grades below the high school.

(1949 Rev., S. 1481.)

Sec. 10-224. Duties of the secretary.

The secretary of the board of education shall keep a record of all its proceedings in a book which he shall provide for that purpose at the expense of the town and shall submit to the town at its annual meetings a report of the doings of the board. The report of the secretary and of the superintendent of schools or supervising agent shall be printed with the reports of the town officers and, on or before the fifteenth day of October, the superintendent of schools or the supervising agent shall send two copies of such report to the secretary of the state board of education and shall furnish such additional returns and statistics respecting the schools of the town as said board requests.

(1949 Rev., S. 1482.)

Mandamus does not lie to compel secretary to insert in minutes acts of board of which he has no knowledge. 97 C. 434.

Sec. 10-225. Salaries of secretary and attendance officers.

The salaries and compensation of the secretary of the board of education and of the attendance officers may be fixed by the town, as provided in section 7-460, but, until the town acts, the board of education shall fix such salary or compensation; provided no member of the board of education shall receive any compensation for services rendered as such member, but he may be paid his necessary expenses when performing a duty delegated by said board.

(1949 Rev., S. 1483; 1957, P.A. 13, S. 63.)

Sec. 10-226. Reports to state board of education.

The board of education of each town and of each regional school district shall, within thirty days of the date of election of members of such board, return to the secretary of the state board of education the names and post-office addresses of the members of the board of education within such town or regional school district, and shall annually, before the first of October, return to said secretary the name and the address of employment and contractual annual salary, or the equivalent thereof, of each teacher, principal and superintendent or other certified person employed in the public schools within its town or district.

(1949 Rev., S. 1484; February, 1965, P.A. 282, S. 1; 1971, P.A. 90, S. 1.)

Sec. 10-226a. Pupils of racial minorities.

(a) The board of education of each town shall annually submit to the state board of education at such time and in such manner as said board may prescribe such data as said board may require in order to determine the total number of pupils of racial minorities in the schools under the jurisdiction of each board and, in such cases as said board shall determine, the number of such pupils in each school and in each grade.

(b) As used in sections 10-226a to 10-226e, inclusive, "pupils of racial minorities" means those whose racial ancestry, in whole or in part, is Negro, Mongolian or Malay and students whose ancestry, in whole or in part, is Puerto Rican, Mexican American or American Indian.

(1969, P.A. 773, S. 1; P.A. 74-149.)

Sec. 10-226b. Existence of racial imbalance.

(a) Whenever the state board of education finds that racial imbalance exists in a public school, it shall notify in writing the board of education having jurisdiction over said school that such finding has been made. (b) As used in sections 10-226a to 10-226e, inclusive, "racial imbalance" means a condition wherein the proportion of pupils of racial minorities in all of the grades of a public school of the secondary level or below taken together substantially exceeds or falls substantially short of the proportion of such public school pupils in all of the same grades of the school district in which said school is situated taken together.

(1969, P.A. 773, S. 2.)

Sec. 10-226c. Plan to correct imbalance.

(a) Any board of education receiving notification of the existence of racial imbalance as specified in section 10-226b shall forthwith prepare a plan to correct such imbalance and file a copy of said plan with the state board of education. (b) Any plan submitted by the board of education of any town under sections 10-226a to 10-226e, inclusive, shall include the proposed changes in existing school attendance districts, the location of proposed school building sites as related to the problem, any proposed additions to existing school buildings and all other means proposed for the correction of said racial imbalance. The plan shall include projections of the expected racial composition of all public schools in the district. The plan may include provision for cooperation with other school districts to assist in the correction of racial imbalance.

(1969, P.A. 773, S. 3, 4.)

Sec. 10-226d. Approval of plan by state board.

Upon receipt of any plan required under the provisions of subsection (b) of section 10-226c, the state board of education shall review said plan. If it determines that the plan is satisfactory, it shall approve the plan and shall provide to the board of education such assistance and services as may be available. The board of education shall submit quarterly reports on the implementation of the approved plan, as the state board of education may require.

(1969, P.A. 773, S. 5.)

Sec. 10-226e. Regulations.

The state board of education shall have the authority to establish regulations for the operation of sections 10-226a to 10-226e, inclusive, including times and procedures for reports to said board, the criteria for approval of plans to correct racial imbalance and fix standards for determination as to racial imbalance.

(1969, P.A. 773, S. 6.)

Sec. 10-226f. Coordinator of intergroup relations.

On or before July 1, 1975, the state board of education shall select one of its employees to assume responsibility, in addition to whatever other duties said board may prescribe, as coordinator of intergroup relations, and shall prescribe duties for such coordinator and for any other of its employees as may be necessary to carry out effectively the purposes of subsection (c) of section 10-145a, this section and section 10-226g. On or before February first of each year, said board shall report to the joint standing committee on education of the general assembly on the progress and accomplishments of programs in intergroup relations, including programs conducted by the state board of education, and shall make recommendations for legislation to improve such programs.

(P.A. 75-372, S. 1.)
See Secs. 10-145a(c), 10-226g.

Sec. 10-226g. Intergroup relations training for teachers.

On or before December 1, 1975, the board of education of each school district may, in accordance with such regulations as may be prescribed by the state board of education, provide a program in intergroup relations training for all teachers employed in the public schools of the district. In addition, each such board may select one of its employees to assume responsibility as coordinator of intergroup relations for the district school system. No regulation of the state board of education shall require a town or regional board of education to hire new personnel to carry out the purposes of subsection (c) of section 10-145a, section 10-226f and this section. Each such coordinator shall, utilizing local resources to the extent available, with the assistance of the coordinator of intergroup relations for the state board of education: (1) Provide for the conduct of workshops and training programs in intergroup relations for all teachers in each school; (2) evaluate, and recommend the use of, textbooks and curricula material concerning racial and cultural minorities; and (3) introduce and implement programs of intergroup relations in such schools.

(P.A. 75-372, S. 2.)
See Secs. 10-145a(c), 10-226f.

Sec. 10-227. Returns of receipts, expenditures and statistics to state board.

Each board of education shall cause the superintendent or supervisor of schools to make returns not later than August first of each year to the secretary of the state board of education of the receipts, expenditures and statistics, in accordance with blank forms furnished by said secretary. Such reports or returns required shall be made under oath or affirmation and, if the returns and statistics called for by said secretary are not sent to him on or before August first, each town and each school district required by law to make separate returns, whose returns and statistics are negligently delayed until after that day, shall forfeit of the sum per child which is paid from the state treasury one per cent for the first week of such delay, two per cent for a delay of two weeks, three per cent for a delay of three weeks, five per cent for a delay of four weeks and ten per cent for a delay exceeding four weeks, provided no town or school district shall forfeit any of such amount if the neglect or delay is that of a state supervisor of schools.

(1949 Rev., S. 1485.)

Sec. 10-228. Free textbooks, supplies, material and equipment.

The board of education of each school district shall purchase such books, either as regular texts, as supplementary books or as library books, and such supplies, material and equipment, as it deems necessary to meet the needs of instruction in the schools of the district. In day and evening schools of elementary and secondary grades, all books and equipment shall be loaned and materials and supplies furnished to all pupils free of charge, subject to such rules and regulations as to their care and use as the board of education prescribes.

(1949 Rev., S. 1486; 1971, P.A. 186.)

Sec. 10-228a. Free textbook loans to pupils attending nonpublic schools.

The board of education of any school district may, at the request of any nonpublic elementary or secondary school pupil, including a kindergarten pupil, residing in and attending a nonpublic school in such district, or at the request of the parent or guardian of such pupil, arrange for a loan of textbooks currently in use in the public schools of such district to such pupil, free of charge, provided the loan of any such textbook shall be requested for not less than one semester's use.

(P.A. 75-397.)

Sec. 10-229. Change of textbooks.

No board of education of any town shall change any textbooks used in the public schools except by a two-thirds vote of all the members of the board, notice of such intended change having been previously given at a meeting of such board held at least one week previous to the vote upon such change.

(1949 Rev., S. 1487.)

Sec. 10-230. Flags for schoolrooms and schoolhouses.

(a) The board of education of each town shall provide a United States flag for each schoolroom in such town and shall cause such flag to be displayed therein during each day school is in session therein. Each such board shall also provide each schoolhouse in which a school is maintained within such town with a United States flag of silk or bunting, not less than four feet in length, and a suitable flagstaff or other arrangement whereby such flag may be displayed on the schoolhouse grounds each school day when the weather will permit and on the inside of the schoolhouse on other school days, and renew such flag and apparatus when necessary. If any board of education fails to provide either of the flags or the apparatus as required in this section or to renew any such flag or apparatus when necessary for a period of thirty days after the reception by it of written notice from the state board of education that such schoolhouse is not provided with such flag or apparatus or that such flag or apparatus should be renewed, each member of such board of education who has so received notice shall be fined not more than twenty-five dollars. (b) The chief executive officer of any city or town is authorized to direct the board of education to display at half-staff all flags at all schools and other buildings administered by said board in said city or town when flags are being displayed at half-staff on other buildings of the municipality.

(1949 Rev., S. 1488, 1489; 1969, P.A. 394.)

Sec. 10-231. Fire drills.

The board of education of each town shall provide for a fire drill to be held in the schools of such town at least once each month.

(1949 Rev., S. 1490.)

Sec. 10-232. Restrictions on employment of members of board of education

Notwithstanding the provisions of any special act to the contrary, no member of the board of education shall be employed for compensation by the board of which he is a member in any position in the school system. If any member of such board is employed contrary to the provisions of this section, the office to which he was elected or appointed shall become vacant. No provision of this section shall be construed to prohibit any member of a board of education from serving as a member of any school building committee established by a town or regional school district to undertake a school building project as defined in section 10-282.

(1949 Rev., S. 1493; 1953, S. 948d; 1963, P.A. 303; February, 1965, P.A. 281, S. 1; 1967, P.A. 154.)
Cited. 152 C. 568.

Sec. 10-233. Suspension of pupils.

Section 10-233 is repealed.

(1949, S. 959d; P.A. 75-609, S. 6.)

Sec. 10-233a. Definitions.

Whenever used in sections 10-233a to 10-233e, inclusive:

(a) "Exclusion" means any denial of public school privileges to a pupil for disciplinary purposes.

(b) "Removal" means an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety minutes.

(c) "Suspension" means an exclusion from school privileges for no more than ten consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed.

(d) "Expulsion" means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond the end of the school year in which such exclusion was imposed.

(e) "Emergency" means a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.

(f) "School" means any school under the direction of the board of education of any town or regional school district or any school for which one or more such school boards pays eighty per cent or more of the tuition costs for students enrolled in such school.

(P.A. 75-609, S. 1.)

Sec. 10-233b. Removal of pupils from class.

(a) The board of education of any town or regional school district may authorize teachers in its employ to remove a pupil from class when such pupil deliberately causes a serious disruption of the educational process within the classroom, provided no pupil shall be removed from class more than six times in any year nor more than twice in one week unless such pupil is referred to the building principal or his designee and granted an informal hearing in accordance with the provisions of section 10-233c.

(b) Whenever any teacher removes a pupil from the classroom, such teacher shall send him to a designated area and shall immediately inform the building principal or his designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

(P.A. 75-609, S. 2.)

Sec. 10-233c. Suspension of pupils.

(a) The board of education of any town or regional school district may authorize the administration of the schools under its direction to suspend any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or which conduct is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be suspended without an informal hearing before the building principal or his designee at which such student shall be informed of the reasons for the disciplinary action and given an opportunity to explain the situation, provided nothing herein shall be construed to prevent a more formal hearing from being held if the circumstances surrounding the incident so require, and further provided no pupil shall be suspended more than ten times or a total of fifty days in one school year, whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing pursuant to sections 4-177 to 4-180, inclusive. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

(b) Whenever any building principal or his designee suspends a pupil, such person shall within twenty-four hours notify the superintendent or his designee as to the name of the pupil against whom such disciplinary action was taken and the reason therefor.

(c) Any pupil who is suspended shall be given an opportunity to complete any classwork including, but not limited to, examinations which such pupil missed during the period of his suspension.

(P.A. 75-609, S. 3.)
Annotations to former section 10-233:
Suspension distinguished from expulsion. Grounds of suspension under school dress code an unconstitutional invasion of student's right to privacy. 28 CS 375.

Sec. 10-233d. Expulsion of pupils.

(a) The board of education of any town or regional school district may expel any pupil whose conduct endangers persons or property or is seriously disruptive of the educational process, or is violative of a publicized policy of such board. Unless an emergency exists, no pupil shall be expelled without a formal hearing held pursuant to sections 4-177 to 4-180, inclusive, provided whenever such pupil is a minor, the notice required by section 4-177 shall also be given to the parents or guardian of the pupil. If an emergency exists, such hearing shall be held as soon after the expulsion as possible.

(b) Whenever any town or regional board of education expels a pupil, such board shall within five days notify the state board of education as to the name of the pupil against whom such disciplinary action was taken and the reasons therefor.

(c) Any pupil who is expelled shall be offered an alternative educational opportunity during the period of expulsion, provided any parent or guardian of such pupil who does not choose to have his child enrolled in an alternative program shall not be subject to the provisions of section 10-184. Such alternative may include, but shall not be limited to, the placement of such pupil in a regular classroom program of a school other than the one from which such pupil has been excluded.

(P.A. 75-609, S. 4.)
Annotations to former section 10-234:
Where suspension of student for violation of public school dress code was in fact an expulsion and regulation was violation of his right to privacy, defendant school administrators were enjoined. 28 CS 375.

Sec. 10-233e. Notice as to disciplinary policies and action.

Each town or regional board of education shall assure that all pupils within its jurisdiction are informed, at least annually, of the board policies governing student conduct. Each board shall further provide an effective means of notifying the parents or guardian of any minor pupil against whom the disciplinary action authorized by the provisions of this section and sections 10-233a to 10-233d, inclusive, has been taken. Such notice shall be given within twenty-four hours of the time such pupil has been excluded.

(P.A. 75-609, S. 5.)

Sec. 10-234. Expulsion of pupils.

Section 10-234 is repealed.

(1949, S. 960d; 1957, P.A. 92; P.A. 75-609, S. 6.)

Sec. 10-235. Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

(a) Each board of education shall protect and save harmless any member of such board or any teacher or other employee thereof or any member of its supervisory or administrative staff, and the state board of education, the commission for higher education, the board of trustees of each state institution and each state agency which employs any teacher, and the managing board of any public school, as defined in section 10-161, shall protect and save harmless any member of such board or commission, or any teacher or other employee thereof or any member of its supervisory or administrative staff employed by it, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including but not limited to infringement of any person's civil rights, resulting in any injury, which acts are not wanton, reckless or malicious, provided such teacher, member or employee, at the time of the acts resulting in such injury, damage or destruction, was acting in the discharge of his duties or within the scope of his employment or under the direction of such board of education, the commission for higher education, board of trustees, state agency, department or managing board. For the purposes of this section, the terms "teacher" and "other employee" shall include any student teacher doing practice teaching under the direction of a teacher employed by a town board of education or by the state board of education or commission for higher education, any volunteer approved by a board of education to carry out a duty prescribed by said board and under the direction of a certificated staff member, and any member of the faculty or staff or any student employed by The University of Connecticut Health Center or health services.

(b) Legal fees and costs incurred as a result of the retention, by a member of the state board of education, the commission for higher education or the board of trustees of any state institution or by a teacher or other employee of any of them or any member of the supervisory or administrative staff of any of them, or by a teacher employed by any other state agency, of an attorney to represent his interests shall be borne by said state board of education, commission for higher education, board of trustees of such state institution or such state agency employing such teacher, other employee or supervisory or administrative staff member, as the case may be, only in those cases wherein the attorney general, in writing, has stated that the interests of said board, commission, board of trustees or state agency differ from the interests of such member, teacher or employee and has recommended that such member, teacher, other employee or staff member obtain the services of an attorney to represent his interests and such member, teacher or other employee is thereafter found not to have acted wantonly, recklessly or maliciously.

(1949 Rev., S. 1494; 1949, 1951, 1955, S. 951d; 1959, P.A. 521, S. 1; February, 1965, P.A. 330, S. 43; 1971, P.A 344; 1972, P.A. 201, S. 1; P.A. 73-651.)

See Sec. 10-212a.

Statute provides teacher with indemnification from loss, not indemnification from liability; board of education not deprived of defense of governmental immunity. 19 CS 396. Board of education could not interpose defense of governmental immunity to action by student against teacher which joined board as defendant as well as teacher. 27 CS 337. Demurrer to count of complaint for injuries sustained in school track meet which joined board of education in suit against school coaches was proper as this statute provides for indemnification from loss of coaches who may ultimately have cause of action against board for reimbursement. 28 CS 198.

Sec. 10-236. Liability insurance.

Each such board of education, board of trustees, state agency or managing board may insure against the liability imposed upon it by section 10-235 in any insurance company organized in this state or in any insurance company of another state authorized by law to write such insurance in this state, or may elect to act as self-insurer of such liability.

(1949 Rev., S. 1495; 1949, S. 952d)

Sec. 10-236a. Indeminification of educational personnel assaulted in the line of duty.

(a) Each board of education shall protect and save harmless any member of such board or any teacher or other employee thereof or any member of its supervisory or administrative staff, and the state board of education, the commission for higher education, the board of trustees of each state institution and each state agency which employs any teacher, and the managing board of any public school, as defined in section 10-161, shall protect and save harmless any member of such board or commission, or any teacher or other employee thereof or any member of its supervisory or administrative staff employed by it, from financial loss and expense, including payment of expenses reasonably incurred for medical or other service necessary as a result of an assault upon such teacher or other employee while such person was acting in the discharge of his duties within the scope of his employment or under the direction of such board of education, commission for higher education, board of trustees, state agency, department or managing board, which expenses are not paid by the individual teacher's or employee's insurance, workmen's compensation or any other source not involving an expenditure by such teacher or employee.

(b) Any teacher or employee absent from his employment as a result of injury sustained during an assault or for a court appearance in connection with such assault shall continue to receive his full salary, while so absent, except that the amount of any workmen's compensation award may be deducted from his salary payments during such absence. The time of such absence shall not be charged against such teacher or employee's sick leave, vacation time or personal leave days.

(c) For the purposes of this section, the terms "teacher" and "other employee" shall include any student teacher doing practice teaching under the direction of a teacher employed by a town board of education or by the state board of education or commission for higher education, and any member of the faculty or staff or any student employed by The University of Connecticut Health Center or health services.

(P.A. 73-492.)

Sec. 10-237. School activity funds.

(1) Any town board of education may establish and maintain in its custody a school activity fund through which it may handle (a) the finances of that part of the cost of the school lunch program not provided by town appropriations, (b) the finances of that part of the cost of driver education courses furnished by such board of education and not provided by town appropriations and (c) such funds of schools and school organizations as such board from time to time determines to be desirable, which funds may include amounts received as gifts or donations for purposes of scholarships or student loans. Whenever a board of education establishes a school activity fund, it shall designate one of its members or some other person to serve as treasurer of such fund and shall fix his salary, which shall be paid from the regular town appropriation for school purposes. Such treasurer shall be bonded and shall keep separate accounts for each school lunch program, for each driver education program and for each school fund and each school organization fund included in the school activity fund and shall make expenditures from such fund in the manner and upon such authorizations as the board of education by regulation prescribes, provided the control of school funds and the funds of all school organizations shall remain in the name of the respective schools and organizations. The accounts of the school activity fund shall be considered town accounts and shall be audited by the town auditor in the same manner as all other town accounts. (2) The accounts of any public school lunch program, whether maintained directly by the board of education or through an agent, shall be kept in accordance with regulations prescribed by the board of education and may include a petty cash fund on the imprest basis and shall be subject to the regular audit of town accounts as provided in section 7-392.

(1953, 1955, S. 953d; 1959, P.A. 672, S. 4; 1963, P.A. 493.)

Sec. 10-238. Petition for hearing by board of education.

The board of education of any municipality, upon written petition signed by one per cent of the electors of such municipality or fifty such electors, whichever is greater, the signatures thereon to be verified by the clerk of the municipality, shall hold a public hearing on any question specified in such petition. Such hearing shall be held at a time and place to be designated by such board, not later than three weeks after receipt by the board of such petition.

(1953, S. 954d; 1957, P.A. 13, S. 64.)

Sec. 10-239. Use of school facilities for other purposes.

Any school district or town may, by a vote of two-thirds of those present at any legal meeting, allow its schoolhouse or schoolhouses, school grounds or other school facilities, when not in use for school purposes, to be used for any other purpose. The board of education of any town, city, borough or school district may grant the temporary use of rooms, halls, school buildings or grounds or any other school facilities under its management or control for public or educational purposes or for the purpose of holding political discussions therein, at such time when the school is not in session and shall grant such use for any purpose of voting under the provisions of title 9 whether or not school is in session, in each case subject to such restrictions as the authority having control of such room or building, grounds or other school facility considers expedient.

(1949 Rev., S. 1492; 1959, P.A. 122; 1963, P.A. 155.)

Sec. 10-239a. Demonstration scholarship program. Short title. Legislative intent.

Sections 10-239a to 10-239h, inclusive, shall be known and may be cited as the demonstration scholarship program authorization act of 1972. It is the intent of the legislature to enable up to six town or regional boards of education to participate in a demonstration program designed to develop and test the use of education scholarships for school children. The purpose of this demonstration scholarship program is to develop and test education scholarships as a way to improve the quality of education by making schools, both public and private, more responsive to the needs of children and parents, to provide greater parental choice, and to determine the extent to which the quality and delivery of educational services are affected by economic incentives. The demonstration scholarship program authorized by sections 10-239a to 10-239h, inclusive, shall aid students and shall not be used to support or to benefit any particular schools.

(1972, P.A. 122, S. 1.)

Sec. 10-239b. Definitions.

As used in sections 10-239a to 10-239h, inclusive: (1) "Demonstration area" means the area designated by the participating town or regional board of education for the purposes of a demonstration scholarship program defined in subsection (2) of this section, which area shall include a substantial number of needy or disadvantaged students, (2) "demonstration scholarship program" means a program for developing and testing the use of educational scholarships for all pupils eligible to attend public or private schools within the demonstration area, which scholarships shall be made available to the parents or legal guardians of a scholarship recipient in the form of a drawing right, negotiable certificate or other document which may not be redeemed except for educational purposes at schools fulfilling the requirements of subsection (a) of section 10-239e, (3) "demonstration board" means a board established by the town or regional board of education to conduct the demonstration scholarship program, (4) "contract" means the agreement entered into by the town or regional board of education and a federal governmental agency for the purpose of conducting a demonstration scholarship program.

(1972, P.A. 122, S. 2.)

Sec. 10-239c. Contract with federal agency for funds.

The town or regional board of education may contract with a federal governmental agency for funds to establish a demonstration scholarship program to exist for a period of up to five years, such board to receive such state and local aid for any of its students as would otherwise be provided by law regardless of whether or not such students participate in a demonstration scholarship program, which funds may be expended under the demonstration scholarship program as the demonstration contract shall provide and within the demonstration area.

(1972, P.A. 122, S. 3.)

Sec. 10-239d. Demonstration board and staff. Scholarships.

The town or regional board of education may establish a demonstration board and staff and may authorize it to administer the demonstration project authorized by sections 10-239a to 10-239h, inclusive, provided the costs of such organization shall be borne by the contracting federal agency. The members of the demonstration board, if it is not the town or regional board of education itself, shall serve for the terms established by the appointing board. (1) The demonstration board may: (a) Employ a staff for the demonstration board, (b) receive and expend funds to support the demonstration board and scholarships for children in the demonstration area, (c) contract with other government agencies and private persons or organizations to provide or receive services, supplies, facilities and equipment, (d) determine rules and regulations for use of scholarships in the demonstration area, (e) adopt rules and regulations for its own government, (f) receive and expend funds from the federal governmental agency necessary to pay for the costs incurred in administering the program, (g) otherwise provide the specified programs, services and activities.

(2) The demonstration board shall award a scholarship to each school child residing in the demonstration area, subject only to such age and grade restrictions which it may establish. The scholarship funds shall be made available to the parents or legal guardian of a scholarship recipient in the form of a drawing right, certificate or other document which may not be redeemed except for educational purposes.

(3) The demonstration board shall establish the amount of the scholarship in a fair and impartial manner as follows: There shall be a basic scholarship equal in amount to every other basic scholarship for every eligible student in the demonstration area. In no case shall the amount of the basic scholarship fall below the level of average current expense per pupil for corresponding grade levels in the public schools in the demonstration area in the year immediately preceding the demonstration program.

(4) In addition to each base scholarship, compensatory scholarships shall be given to disadvantaged children. The amount of such compensatory scholarships and the manner by which children may qualify for them shall be established by the demonstration board.

(5) Adequate provision for the pro rata or incremental redemption of scholarships shall be made.

(6) The contract shall provide sufficient money to pay all actual and necessary transportation costs incurred by parents in sending their children to the school of their choice within the demonstration area, subject to distance limitations imposed by existing law.

(7) The contract shall specify that the contracting federal governmental agency shall hold harmless the participating local board from any possible decreased economies of scale or increased costs per pupil caused by the transition to a demonstration program.

(1972, P.A. 122, S. 4.)

Sec. 10-239e. Use of scholarships. Eligibility of schools.

(a) The demonstration board shall authorize the parents or legal guardian of scholarship recipients to use the demonstration scholarships at any public or private school in which the scholarship recipient is enrolled provided such public or private school: (1) Meets all educational, fiscal, health and safety standards required by law, (2) does not discriminate against the admission of students and the hiring of teachers on the basis of race, color or economic status and has filed a certificate with the state board of education that the school is in compliance with Title VI of the Civil Rights Act of 1964, (3) in no case levies or requires any tuition, fee or charge above the value of the education scholarship, (4) is free from sectarian control or influence except as provided in subsection (b) of this section, (5) provides public access to all financial and administrative records and provides to the parent or guardian of each eligible child in the demonstration area comprehensive information, in written form, on the courses of study offered, curriculum, materials and textbooks, the qualifications of teachers, administrators and paraprofessionals, the minimum school day, the salary schedules, financial reports of money spent per pupil and such other information as may be required by the demonstration board, (6) provides periodic reports to the parents on the average progress of the pupils enrolled, (7) meets any additional requirements established for all participating schools by the demonstration board.

(b) In compliance with the constitutional guarantee of free exercise of religion, schools may be exempted from subdivision (4) of subsection (a) of this section if they meet all other requirements for eligibility.

(1972, P.A. 122, S. 5, 6.)

Sec. 10-239f. Collective bargaining by teachers.

Nothing contained in sections 10-239a to 10-239h, inclusive, shall be construed to interfere in any way with the rights of teachers in participating town or regional school districts to organize and to bargain collectively regarding the terms and conditions of their employment. Teachers employed in the demonstration area shall be bound by the terms of such bargaining in the same way and to the same extent as if there were no demonstration area.

(1972, P.A. 122, S. 7.)

Sec. 10-239g. Evaluation of quality of education and satisfaction with schools under program.

The demonstration board shall provide for a valid test for judging the quality of education and satisfaction with schools resulting from the demonstration scholarship program as compared to the present system of public and private schools. All evaluations done shall be reported in detail to the state board of education and the joint standing committee on education of the general assembly.

(1972, P.A. 122, S. 8.)

Sec. 10-239h. Liberal construction.

The provisions of sections 10-239a to 10-239h, inclusive shall be liberally construed, the legislature's intent being to enable up to six Connecticut school districts to participate in this demonstration scholarship program.

(1972, P.A. 122, S. 9.)

CHAPTER 171*

TOWN MANAGEMENT

*Scope of chapter. 103 C. 422.

Sec. 10-240. Control of schools.

Each town shall maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.

(1949 Rev., S. 1497.)

Purpose and effect of consolidation. 82 C. 586; 86 C. 594. Former act had effect of compelling consolidation in certain towns. 122 C. 42. See note to Sec. 10-221. Cited. 149 C. 600; 152 C. 568. Each town is designated as a school district, and has the same powers as a school district to take land for school purposes. 168 C. 135.

Authority to unite schools. 16 CS 336. This section insofar as it delegates to Canton the state's duty of operating and maintaining free public schools and raising taxes therefor, violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-241. Powers of school districts.

Each school district shall be a body corporate and shall have power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs thereto and to supply them with fuel, furniture and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to lay taxes and to borrow money for the purposes herein set forth; to make agreements and regulations for the establishing and conducting of schools not inconsistent with the regulations of the town having jurisdiction of the schools in such district; and to employ teachers, in accordance with the provisions of section 10-151, and pay their salaries. When such board appoints a superintendent, such superintendent may, with the approval of such board, employ the teachers.

(1949 Rev., S. 1498, 1507; 1953, S. 955d.)

See Sec. 10-49.

Cited. 103 C. 420. History of school district statutes; chapter applies only to towns which have not consolidated school districts. 122 C. 36; see also 77 C. 194. Cited. 149 C. 600.

Notes to former statutes: Every inhabitant of a school district is a party to a suit brought against it and his property may be taken on an execution issued against it. 10 C. 395. See 26 C. 527. A vote laying a tax is sufficiently definite if it is reasonably clear that the tax was imposed for legitimate purposes. 12 C. 437-439. Districts may sue by the name by which they are generally known. 13 C. 227. What is sufficient warning of meeting of school district. 13 C. 234. The records of a school district are evidence of its votes in a suit to which it is a party. 13 C. 235. The votes and proceedings of school districts, if within their jurisdiction, will be liberally construed. 15 C. 332, 454. The character and cost of school buildings, within broad limits, is left to the school district; courts will not interfere with this discretion except in clear cases of abuse. 25 C. 227; 63 C. 131. Extent of discretionary power of school district illustrated. 25 C. 227, 228. Schoolhouse may not be used for religious purposes against objection of taxpayers, and injunction will lie against such use. 27 C. 503-505; see Sec. 10-239. A school district has all necessary power to establish and maintain a school within its limits. 33 C. 304. District committee must obey the vote of the district as to rooms and teachers;the committee's authority is contingent on the district failing to act. 33 C. 304. A debt owed by a school district may be taken by foreign attachment.53 C. 509. Status of teacher as to district defined. Id. School districts are limited in power to raise and expend money for the sole purposes set forth in the statute. 60 C. 234, 235. Nature of school district. 73 C. 170; 85 C. 33. Right to build sewer and liability for neglect. 72 C. 584. Power to borrow money carries with it power to issue negotiable bonds. 101 C. 261. Powers given cannot be circumscribed by vote at a town meeting. 103 C. 422.

The town as the school district of the town of Stamford may be sued. 5 CS 301. Indemnification of a school officer for counsel fees incurred in a libel action. 9 CS 442. Board of education as agent of the state, when. 19 CS 158. This section insofar as it delegates to Canton the state's duty to operate and maintain free public schools and raise taxes therefor, violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-241a. Taking of site by eminent domain.

Any town or regional school district may take, by eminent domain, land which has been fixed upon as a site, or addition to a site, of a public schoolhouse, and which is necessary for such purpose or for outbuildings or convenient accommodations for its schools, upon paying to the owner just compensation, provided such taking is with the approval of the legislative body of the town, and in the case of regional school districts, subject to the provisions of section 10-49, and in each case in accordance with the provisions of sections 8-129 to 8-133, inclusive. The board, committee or public officer empowered to acquire school sites in such school district shall perform all duties and have all rights prescribed for the redevelopment agency in said sections with respect to such taking. No school district, city or town shall take for school purposes the land of any ecclesiastical society, upon any part of which a church building has already been erected, without the consent of such ecclesiastical society, or any land devoted to or used for cemetery or burial purposes.

(1967, P.A. 720, S. 1.)
Town, after complying with this section, could delegate its power to condemn to board of education which had authority to exercise it. 166 C. 135.

Sec. 10-242. Meetings.

The annual town meeting shall be the annual school district meeting and special meetings shall be called and held in the same manner as provided by law for special town meetings.

(1949 Rev., S. 1499, 1539.)
Cited. 9 CS 442. Town meeting not superior to board of education in business relating to public schools. 16 CS 339. See note to Sec. 10-241.

Sec. 10-243. Treasurer and clerk.

The town clerk and treasurer of each town shall have all the powers and duties, respectively, of the clerk and treasurer of a school district, except so far as such duties are rendered unnecessary by the provisions of this chapter.

(1949 Rev., S. 1505.)
Cited. 95 C. 202. See note to Sec. 10-241.

Sec. 10-244. Payment of expenses.

Section 10-244 is repealed.

(1949 Rev., S. 1506; 1959, P.A. 615, S. 5.)
See Sec. 10-248.

Sec. 10-245. Formation of school districts.

No new school district shall be formed except as provided by part III of chapter 164.

(1949 Rev., S. 1514; 1969, P.A. 698, S. 28.)
Town's authority to reestablish school districts revoked. 4 CS 36. See note to Sec. 10-241.

Sec. 10-246. Sale of property of former districts.

Any town which has voted for consolidation of the school districts therein or in which the school districts have been consolidated by operation of law may, through its selectmen acting with the board of education, sell any school property formerly belonging to any such school district and which is not being used for school purposes, at public auction or private sale, notice of the time when and place where such property will be offered for sale having been given by publication in some newspaper having a circulation in such town, once a week for three successive weeks prior to the date of such sale. The selectmen of such town shall not give a deed to any such property until payment therefor is made in full. The proceeds of any such sale shall be used only for the purpose of constructing or improving school buildings within such town.

(1949 Rev., S. 1542.)
Secs. 10-246 to 10-248. Cited. 120 C. 364. History of consolidation statutes. 122 C. 39.

Sec. 10-247. Management of permanent funds.

If any school district, formerly existing in a town in which the school districts have been or shall be abolished or consolidated, has received a permanent fund for the support of a school or schools in such district, the treasurer of the town shall have charge of it and keep a separate account thereof; and the income of such fund shall be held subject to the order of the town board of education, which shall apply it for the benefit of the school or schools within or nearest to the limits of the district formerly existing, in such manner as to carry out, as nearly as possible, the intent of the grantor of such fund.

(1949 Rev., S. 1543.)
See Sec. 10-258.
See note to Sec. 10-246.

Sec. 10-248. Payment of school expenses.

The expenses of maintaining public schools in each town, which shall be incurred with the approval of the town board of education, shall be paid by the town treasurer on orders drawn by said board, except so far as they may be met by the income from local school funds. Such orders may be signed by such persons on behalf of the board as the board by bylaw or special vote, certified by the secretary to the town treasurer, provides; and, in the absence of such bylaw or special direction, by the secretary.

(1949 Rev., S. 1544.)
See note to Sec. 10-246.
Cited. 152 C. 568.

CHAPTER 172*

SUPPORT OF PUBLIC SCHOOLS. TRANSPORTATION

*Former provisions discussed. 75 C. 15; 85 C. 34; 97 C. 432; 132 C. 198, 200.

Sec. 10-249. Enumeration of children. Returns.

Each town board of education shall annually appoint, and determine the compensation of, one or more persons, who shall, in April of each year, ascertain the name and age as of January first of each child under twenty-one years of age who resides in such town on April first, with the names and addresses of the parents or persons in control of such child. If any child of compulsory school age is not attending school during the month of March immediately preceding said enumeration date, the person making the enumeration shall ascertain the reason for such nonattendance and, if such child is employed at labor, the name and address of his employer or of the establishment where he is employed. Returns shall be made to the board of education on or before the fifteenth day of May.

(1949 Rev., S. 1546; 1957, P.A. 72, S. 1; 1959, P.A. 417, S. 1; February, 1965, P.A. 123, S. 1; 1971, P.A. 43, S. 1.)
Cited. 152 C. 568.

Sec. 10-250. Report showing number of children.

Annually, not later than June fifteenth, the superintendent of schools for each town board of education shall file with the state board of education a report, on a form prescribed by said state board, showing the number of children residing in such town as of the first day of the preceding April and such other information as said state board requires.

(1949 Rev., S. 1547; 1957, P.A. 72, S. 2; 1971, P.A. 43, S. 2.)

Sec. 10-251. Penalty for refusing to give age of child.

Any person having control of a child under twenty-one years of age who wilfully refuses to give the person making the enumeration required by this chapter the name and age of such child, and such information concerning the school attendance of such child as this chapter requires, shall be fined not more than twenty-five dollars.

(1949 Rev., S. 1548; 1957, P.A. 72, S. 3; February, 1965, P.A. 123, S. 2.)

Sec. 10-252. Children in state receiving homes.

Children placed in receiving homes operated by the state shall be enumerated by the commissioner of social services and returns shall be made as provided for town boards of education; but any such child attending a public school shall be enumerated by the town in which such child attends school. The commissioner of social services may employ teachers for the schools at such receiving homes and shall provide books for the children and apparatus for teaching. The state board of education shall supervise such schools and only teachers certified by the state board of education shall be employed.

(1949 Rev., S. 1549; 1955, S. 965d.)
Cited. 127 C. 57.

Sec. 10-253. Children placed out by commissioner of social services or other agency. Exceptions.

(a) Children placed out by the commissioner of social services or by other agencies or persons shall be entitled to all free school privileges of the town where they then reside, except when such children are placed in hospitals or custodial institutions, other than those for which reimbursement is provided under section 10-266, the board of education of the town in which such hospital or institution is located shall furnish appropriate instruction, payment for which shall be made by the board of education of the town under whose jurisdiction such child would otherwise be attending school. This subsection shall not apply to children placed in hospitals or custodial institutions pursuant to agreements made under section 10-76d.

(b) No town shall be required to provide school accommodations for any child whose legal residence is in another state unless a bond, in the sum of five hundred dollars, issued by a surety company authorized to do business in this state and conditioned upon the payment of his tuition at the rate of the per capita expense of tuition in such school, shall be filed with the treasurer of the town in which such child is attending school by the parent or guardian or other person or organization in control of such child.

(c) Children residing with relatives or nonrelatives, when it is the intention of such relatives or nonrelatives and of the children or their parents or guardians that such residence is to be permanent and provided without pay, shall be entitled to all free school privileges accorded to resident school children of the district or town in which they reside.

(d) Each such child shall be enumerated in the town in which he is actually residing on the date of the enumeration.

(1949 Rev., S. 1550; 1955, S. 966d; February, 1965, P.A. 586, S. 1; 1969, P.A. 793, S. 6.)
See 59 C. 491. "Legal residence" in former statute construed to mean residence in ordinary or popular sense, not same as domicile or settlement. 132 C. 200.
Cited. 4 CS 254; 13 CS 53.

Sec. 10-254. Fraud.

Any member of a board of education who fraudulently makes or joins in making any false certificate, by reason of which money is drawn from the state treasury, shall be fined not more than sixty dollars.

(1949 Rev., S. 1551.)

Sec. 10-255. Waiver of forfeiture.

When a school has been kept during a portion of the school year, but not according to law, or when for any other cause there has been a forfeiture of moneys accruing from the school fund or annual state appropriation that would otherwise have been paid to any town or school district, the secretary of the state board of education shall, on application from such town or school district, examine into the facts of the case and decide according to equity on the right of the applicants to receive the moneys so forfeited; and if he decides in favor of such right, such forfeiture shall be waived.

(1949 Rev., S. 1552.)

Sec. 10-256. Misapplication of school money.

If any money appropriated to the use of schools is applied by a town or school district to any other purpose, such town or school district shall forfeit the amount thereof to the state and the comptroller shall sue for the same in behalf of the state, to be applied, when recovered, to the use of schools.

(1949 Rev., S. 1553.)

Sec. 10-257. Income of town deposit fund.

The income of the town deposit fund belonging to any town and of any other town fund established or appropriated for the support of public schools in any town shall be paid annually into the town treasury for the support of public schools therein.

(1949 Rev., S. 1554.)
See Sec. 7-353.
Cited. 147 C. 374.

Sec. 10-258. Trust funds.

If any town has received a permanent fund for the support of a school or schools, the town treasurer shall have charge of it and keep a separate account thereof; and the income of such fund shall be held subject to the order of the board of education, which shall apply it for the benefit of the school or schools within or nearest to the limits of the district formerly existing, in such manner as to carry out, as nearly as possible, the intent of the grantor of such fund.

(1949 Rev., S. 1555.)
See Sec. 10-247.

Sec. 10-259. Fiscal and school year defined.

The fiscal and school year shall commence July first and end June thirtieth.

(1949 Rev., S. 1558.)

Sec. 10-260. State aid to towns.

Each town or school district shall receive aid as provided in sections 10-261 to 10-263, inclusive.

(1949 Rev., S. 1576; June, 1955, S. 971d.)
Cited. 138 C. 265.

Sec. 10-280a. Auditing of state grants for public education.

In accomplishment of their duties as set forth in section 2-90 and in accordance with the authority granted under chapter 111 the auditors of public accounts shall, as often as they deem necessary, examine the records and accounts of any town and any town or regional board of education in connection with any grant made by any state agency pursuant to any section of the general statutes or any act of the general assembly. Their findings shall be reported as required in section 2-90.

(P.A. 76-274, S. 1.)

Sec. 10-261. Definitions.

(a) Whenever used in this section and sections 10-262, 10-262c, 10-262d, 10-262e and 10-263: "Public schools" means nursery schools, kindergartens and grades one to twelve, inclusive; "average daily membership" means the number obtained by adding the number of all pupils of the town or school district enrolled in public schools at the expense of such town or school district on October first and May first, or the full school days immediately preceding such dates, during the school year next prior to that in which the payment is to be made and dividing by two, provided the number so obtained shall be reduced by one-one hundred eightieth for each full school day by which the town or school district fails to maintain a school year of one hundred eighty days per pupil, and be increased by the aggregate days of membership of all pupils of the town attending school at the expense of the town between July first and September first divided by one hundred eighty, except that if a school district has implemented scheduling of school sessions year-round, the state board of education may adjust the number so that no loss or gain in state aid occurs because of the type of scheduling used; "enrolled" shall include pupils who are scheduled for vacation on the above dates and who are expected to return to school as scheduled; "net current expenses" means the current expenses of the public schools, less the expenses for pupil transportation and the amount of tuition received on account of nonresident pupils for the school year next prior to that in which the payment is to be made, except that the town of Woodstock may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by Woodstock Academy from income from its endowment funds upon receipt from said academy of a certified statement of such current expenses, and except that the town of Winchester may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by The Gilbert School from income from its endowment funds upon receipt from said school of a certified statement of such current expenses; "adjusted equalized net grand list per capita" means the equalized net grand list per capita of a town multiplied by the ratio of the median family income of the town to the median family income of the state; "equalized net grand list" means, except as provided in section 10-262d, the net grand list of the town divided by the actual assessment-sales ratio in the town as determined from annual assessment-sales surveys conducted by the state tax department; "total population" of a town means that enumerated in the most recent federal decennial census of population or that enumerated in the most recent official state census conducted after July 1, 1975; "median family income" for each town means that enumerated in the most recent federal decennial census of population; "school tax rate" means that portion of the equalized mill rate of a town chosen to finance that portion of current operating expenditures supported by local taxes; "that portion of current operating expenditures supported by local taxes" means an amount equal to the total educational expenditures of a town minus (a) an amount equal to all educational expenditures for transportation, debt service, construction or acquisition of facilities, adult education, health and welfare services for nonpublic school children, (b) all tuition received on account of all nonresident pupils, (c) all federal aid for education and (d) all state aid for education, including, but not limited to, state payments for vocational-agricultural tuition, special education aid, aid for educationally deprived children, aid for education of pupils residing in state property, driver education aid; aid for industrial arts, library books, occupational training programs, health education programs, school lunch programs; grants in lieu of supervisory services and all state payments received pursuant to section 10-262 and section 10-262c.

(b) Nothing in subsection (a) of this section shall be construed to in any way penalize those towns which have not adopted the uniform fiscal year.

(1949 Rev., S. 1577; 1949, 1951, June, 1955, S. 972d; 1961, P.A. 571, S. 1; 1969, P.A. 531, S. 1; 1972, P.A. 120, S. 2; P.A. 75-341, S. 1, 5; P.A. 76-144, S. 1, 2.)

Cited. 138 C. 265. Enactment term. 163 C. 537.

Sec. 10-262. Amounts payable to towns per pupil in average daily membership.

During each school year each town or school district maintaining schools according to law during the preceding school year shall be paid by the comptroller, upon the certification of the secretary of the state board of education, two hundred fifty dollars per pupil in average daily membership.

(1949 Rev., S. 1578; June, 1955, S. 973d; 1961, P.A. 571, S. 2; June, 1963, P.A. 1, S. 1; February, 1965, P.A. 361, S. 10; 1967, P.A. 580, S. 1; 1969, P.A. 604, S. 1; June, 1971, S.A. 1, S. 13; 1972, S.A. 53, S. 11; P.A. 74-158, S. 1, 2.)

See Sec. 10-53.

Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 379.

Sec. 10-262a. Additional payment for increase in enrollment.

Section 10-262a is repealed.

(1961, P.A. 571, S. 3; June, 1963, P.A. 1, S. 2; 1969, P.A. 604, S. 2.)

Sec. 10-262b. Prorata distribution of federal funds among towns.

All moneys which may be received by the state from federal grants for school construction or other educational purposes under the provisions of S. 1021 or other similar legislation which may be enacted by the 87th Congress exclusive of such funds as may be allocated for administrative costs shall be distributed by the state board of education among the towns so that each town shall receive a percentage of such federal funds equal to the percentage determined by dividing the amount of state funds received by the town under the provisions of sections 10-261, 10-262 and 10-262a by the total amount of such funds payable to all towns. If the plan of distribution to towns herein provided for, when submitted by the state board of education to the United States Commissioner of Education, is not approved, said board may make such minimum adjustments in such plan as are required to secure approval.

(1961, P.A. 571, S. 4.)

Sec. 10-262c. Educational equalization grants.

(a) Each town maintaining schools according to law whose adjusted equalized net grand list per capita falls at or below the eighty-fifth percentile among all towns in the state, as determined by ranking in ascending order all towns in the state according to their adjusted equalized net grand lists per capita, shall be paid a grant, except as provided in subsection (b) or (c) of this section, in an amount equal to the product of (1) the school tax rate times (2) the difference between the adjusted equalized net grand list per capita for the town at the eighty-fifth percentile and the adjusted equalized net grand list per capita for the town, times (3) the population of the town.

(b) Application for aid under the provisions of this section shall be made annually, before August first, by the secretary of the state board of education to the comptroller. The amount due each town pursuant to the provisions of subsection (a) of this section shall be paid by the comptroller, upon certification of the secretary of the state board of education, to the treasurer of each town entitled to such aid in instalments as follows: One-half in January and one-half in June; provided the total grant made in any year pursuant to this section to any town shall in no event exceed seven and three-tenths per cent of the total grant per pupil in average daily membership received by such town pursuant to section 10-262.

(c) All grants made in any year pursuant to this section shall be charged to and paid from the general fund, from funds specifically designated to be used for educational equalization grants to towns pursuant to the provisions of subsection (c) of section 12-568. In the event that in any payment period there are insufficient funds in the general fund specifically designated to be used for such grants, each town entitled to such grant shall, in such payment period, be paid an amount equal to its proportionate share of the total amount of such designated funds as are available.

(P.A. 75-341, S. 2, 5; P.A. 76-387, S. 1, 5.)

Sec. 10-262d. Equalized net grand list.

For the purposes of section 10-262c, the "equalized net grand list" of a town for the fiscal years ending in 1976, 1977 and 1978, shall be in each of said years respectively, the 1974, 1975 and 1976 grand list of such town divided by the stated assessment ratio of such town and adjusted for the date of last revaluation. To adjust for the date of last revaluation, the net grand list shall be increased by an annual average per cent increase, equal to that experienced by the county in which such town is located, compounded for as many years as the difference between 1974, 1975 or 1976, whichever is applicable, and the year of the last town revaluation. The average annual rate of property value increase shall be three and one-half per cent per year for all towns located in Tolland, New London and Windham counties, five per cent per year for all towns located in Hartford, Litchfield, Middlesex and New Haven counties and eight per cent per year for all towns located in Fairfield county.

(P.A. 75-341, S. 3, 5; P.A. 76-387, S. 2, 5.)

Sec. 10-262e. Grants to be expended for school purposes only.

All aid distributed to a town pursuant to the provisions of section 10-262c, shall be expended for school purposes only and shall be expended upon the authorization of the local or regional board of education.

(P.A. 75-341, S. 4, 5; P.A. 76-387, S. 3,5.)

Sec. 10-263. Application for aid. Payments

Application for aid under the provisions of sections 10-260 to 10-263, inclusive, shall be made annually, before August first, to the state board of education by the superintendent of schools or the supervising agent of each town or school district on the form prescribed and provided by the state board of education. The amount due each town or school district shall be paid to its treasurer in instalments as follows: One-third in October, one-third in January and one-third in April; provided the state board of education may withhold an amount which it determines to be equitable from any town or school district which it finds to have failed to maintain its schools according to law.

(1949 Rev., S. 1579; June, 1955, S. 974d; 1967, P.A. 166, S. 4; 1969, P.A. 531, S. 2.)
See Secs. 10-227, 10-255.

Sec. 10-263a. Payment to towns not on uniform fiscal year.

The final one-third of the amounts due towns under the provisions of sections 10-260 to 10-263, inclusive, shall be paid in March rather than April to any town which has not yet adopted the uniform fiscal year and which would not otherwise receive such final payment within the fiscal year of such town.

(P.A. 75-1, S. 1, 2.)

Sec. 10-263b. Amounts in average daily membership payable to the department of correction.

Amounts in average daily membership payable by the state, as provided in section 10-262, to a special school district established pursuant to section 18-99a, shall be paid in installments during each fiscal year as follows: One-third in October, one-third in January and one-third in July.

(P.A. 75-481, S. 1, 2.)

Sec. 10-264. Temporary additional payment.

Obsolete.

(1957, P.A. 642, S. 1.)

Sec. 10-265. Payments.

Section 10-265 is repealed.

(1957, P.A. 642, S. 2; 1959, P.A. 143, S. 2; 645; 1961, P.A. 42; 1963, P.A. 3; P.A. 74-145, S. 1, 2.)

Sec. 10-266. Reimbursement for education of pupils residing in state property.

Any town in which a state institution or a receiving home or a group home for the care of committed children and other children who require the care and protection of the state is located and in or from which pupils residing in state property or property leased by the state attend a public elementary or high school at the expense of such town shall be paid by the state the amount by which the cost to the town of such elementary or high school education in any school year, including a prorata share of payments on the principal of and interest on school building bonds and notes, exceeds the grants per pupil to such town for the same school year under this chapter and chapter 173 provided, payment shall be reduced by the amount of taxes received by such town for such property in the preceding fiscal year. For the purposes of this section, a "group home" means a community facility established by or on behalf of a state agency, for placement of children under the care of such agency in a residential atmosphere for an indefinite period of time.

(June, 1949, S. 975d; 1957, P.A. 579, S. 1; 1963, P.A. 620; P.A. 74-267, S. 1, 2.)

Sec. 10-266a. State grants for special programs for educationally deprived children.

(a) Any town or regional school district shall be eligible to receive grants as hereinafter provided to assist in furnishing special supplementary educational programs or services designed to improve or accelerate the education of children whose educational achievement has been or is being restricted by economic, social, linguistic or environmental disadvantages, provided not less than seventy-five per cent of the children served by such programs in any town or regional school district shall be educationally deprived children, as defined in accordance with low-income criteria pursuant to regulations which shall be adopted and enforced by the state board of education, and provided such programs shall be approved by the state board of education.

(b) Any town or regional school district applying for such grant shall show that any funds so received are to be used for providing for such children special supplementary educational opportunities, such as pre-kindergarten education; remedial programs; bilingual programs; cooperative projects affecting urban and suburban programs for the disadvantaged; special tutoring; programs for school dropouts; and innovations or experimental educational programs approved by the state board of education, and shall submit plans for said programs in such detail as the state board of education may require.

(c) To the extent consistent with the number of educationally deprived children in such town or school district who are enrolled in private elementary and secondary schools, such town or school district shall make provision for including such educational services and arrangements in which such children can participate. The specialized educational services and arrangements shall be those which are designed to meet the special educational needs of the educationally deprived children, including such services as may be provided under P.L. 89-10 of the eighty-ninth congress.

(February, 1965, P.A. 523, S. 1, 2; 1967, P.A. 506; P.A. 76-378, S. 1, 3.)

Sec. 10-266b. Amount of aid. Redistribution of funds.

(a) The total amount to which any town or regional school district is entitled for any fiscal year shall not exceed an amount to be determined by multiplying the total amount appropriated for such fiscal year for the purposes of sections 10-266a to 10-266e, inclusive, and this section by the average of the percentage representing the ratio of the number of families in the community with incomes of less than four thousand dollars per annum to the total number of such families in the state and the percentage representing the ratio of the number of children in the community receiving aid to dependent children to the total number of such children in the state.

(b) The state board of education may redistribute funds appropriated for any fiscal year for which application by towns or regional school districts has not been made by January first of such year and said board may also redistribute funds if and to the extent any town or regional school district certifies to the board that funds granted under approved applications will not be expended. Funds shall be redistributed in such manner as is prescribed by procedures established by the state board of education.

(February, 1965, P.A. 523, S. 3; 1967, P.A. 35, S. 1, 2; P.A. 76-378, S. 2, 3.)
Cited. 163 C. 537.

Sec. 10-266c. Application for and payment of grant.

Application for grants under sections 10-266a to 10-266e, inclusive, shall be made to the state board of education in such form and at such time as said board shall designate, and shall include the specifications and the estimated costs of such programs, together with certification by the applying board of education that any funds so received shall be used for the purposes specified in accordance with the provisions of said sections. Upon approval of any application by the state board of education, said board shall certify to the comptroller the amount of the grant for which the town or regional school district is eligible. Upon receipt of such certification, the comptroller shall draw his order on the treasurer in such amounts and at such times as may be certified by the state board of education.

(February, 1965, P.A. 523, S. 4.)

Sec. 10-266d. Review and audit of grant payments.

The state board of education shall periodically review and audit grant payments authorized to town or regional school districts hereunder in order to determine that the state funds received by the towns under sections 10-266a to 10-266e, inclusive, are being used for the purposes specified in the application. Within sixty days after the close of any school year, any town or regional school district which has received grants under said sections shall file a financial statement of expenditures in such form as the state board of education may prescribe. If the state board of education finds that such state funds are not being used or are being used for other purposes or are being used to decrease the local share of the support of schools, said board may require repayment of such funds to the state.

(February, 1965, P.A. 523, S. 5.)

Sec. 10-266e. State assistance in developing programs.

The state board of education shall furnish assistance to the towns in planning and developing programs covered by sections 10-266a to 10-266e, inclusive, and shall provide guidelines to the towns for the determination of programs eligible for approval for grants. The state board of education is authorized to use one per cent of the amount appropriated in section 10-266b for the biennium ending June 30, 1967, for furnishing such assistance and for other necessary expenses of administering sections 10-266a to 10-266e, inclusive.

(February, 1965, P.A. 523, S. 6; 1967, P.A. 35, S. 3.)

Sec. 10-266f. State aid for occupational training programs. Redistribution of funds.

Section 10-266f is repealed.

(February, 1965, P.A. 361, S. 4, 5; 1969, P.A. 780, S. 5; 1971, P.A. 841, S. 1, 2; June, 1971, P.A. 1, S. 1; 1972, P.A. 101, S. 1; P.A. 73-606, S. 1, 2, P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-266g. Application for and payment of grants.

Section 10-266g is repealed.

(February, 1965, P.A. 361, S. 6; P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-266h. Review and audit of payments. Statement of expenditures.

Section 10-266h is repealed.

(February, 1965, P.A. 361, S. 7; P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-266i. Review and evaluation of programs for disadvantaged children.

The state board of education shall, annually on or before February first, review with the joint standing committee on education of the general assembly the disbursement of funds, the types of projects funded, and the evaluation of programs dealing with the education of disadvantaged children and youth.

(February, 1965, P.A. 361, S. 9; 1971, P.A. 52; P.A. 73-315; P.A. 75-479, S. 23, 25.)

Sec. 10-266j. Inter-community contracts concerning education of disadvantaged children. State aid.

(a) For the purposes of this section: "Educational programs for disadvantaged children" means special educational programs or services designed to improve or accelerate the education of children whose educational achievement has been or is being restricted by economic, social or environmental disadvantages. "Economically disadvantaged children" means children of families with an annual income of less than four thousand dollars per family or children receiving state aid for dependent children. "Receiving district" means the school district which accepts pupils from another school district in accordance with an agreement between it and one or more boards of education to provide an educational program for disadvantaged children which has been approved by the state board of education. "Sending district" is the school district responsible by law for the education of the disadvantaged children participating in such a program. (b) Any town or regional board of education may make a binding written agreement with any other such board or group of such boards to implement programs for disadvantaged children under this section. Such written agreement shall include mutually acceptable terms concerning, but not limited to, the tuition per child which shall be paid by the sending district to the receiving district. (c) (1) Each sending district shall be eligible to receive, subject to an appropriation therefor, in addition to the state grant per pupil in average daily membership pursuant to section 10-262, for each child participating in an educational program for disadvantaged children under this section which has been approved by the state board of education, an amount equal to the lowest grant per pupil in average daily membership provided by said section. (2) Each school district which transports such children under an agreement made pursuant to this section shall be eligible to receive for each such pupil transported from one town school district to another town school district, subject to an appropriation therefor, an amount equal to one-half the cost of transporting each such child or eighty dollars, whichever is less. (d) The provisions of sections 10-266c to 10-266e, inclusive, shall apply to the programs, grants and payments executed under this section.

(1967, P.A. 611, S. 1-4.)

See Sec. 10-266a.

Extension of an agreement made by Milford board of education with New Haven board of education pursuant to this section is within administrative discretion of Milford school board and Milford board of aldermen was enjoined from holding an advisory referendum on extension as this would be an unlawful expenditure of city funds. 28 CS 207. Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-266k. State grants for special educational programs and other municipal purposes.

(a) During each school year any municipality shall be paid by the comptroller a grant to assist it in providing special educational programs or services designed to improve or accelerate the education of educationally deprived children as defined in section 10-266a whose educational achievement has been or is being restricted by economic, social or environmental disadvantages, and of children requiring special education as defined in section 10-76a and for other municipal purposes. (b) The amount which any municipality shall receive for a biennium shall be determined by multiplying the total amount appropriated under subsection (d) of this section by the average of the percentage representing the ratio of the number of families in the community with incomes of less than four thousand dollars per annum to the total number of such families in the state and the percentage representing the ratio of the number of children in the community receiving aid to dependent children to the total number of such children in the state. (c) The amount due each municipality each year under subsections (a) and (b) shall be paid to its treasurer in instalments as follows: One-third in October, one-third in January and one-third in April. (d) The sum of three million dollars is appropriated for the purposes of this section.

(1969, P.A. 792, S. 1-4.)

Sec. 10-266l. Agreements between private schools and urban school districts for education of disadvantaged children in public schools.

Any private or nonpublic school entering into an agreement with an urban school district defined as a central city in a standard metropolitan statistical area designated by the most recent United States Census Report shall be eligible for support of the direct costs of a program designed to increase the educational achievement of disadvantaged children or youth attending public schools. For the purposes of this section a disadvantaged child or youth is a pupil who attends a school designated for services under the provisions of Title I of the Elementary and Secondary Education Act of 1965 and whose educational achievement is being limited by low income status. Only programs approved by the state board of education with a year-round follow up component as well as an intensive summer school program for disadvantaged children and youths will be eligible for funds under this section.

(1972, P.A. 199, S. 1.)

Sec. 10-267. State aid for purchase of nonprint learning materials, media equipment and books.

Section 10-267 is repealed.

(1957, P.A. 519, S. 1; 1959, P.A. 196, S. 1; 1961, P.A. 549; 1967, P.A. 523; P.A. 73-388; P.A. 76-434, S. 5, 12.)

Sec. 10-268. "Average annual receipts from taxation" defined.

Unless otherwise provided, the term "average annual receipts from taxation," wherever used in this chapter, shall mean the yearly average of the sum of the following items as determined for the three fiscal years next preceding July first of the year in which report is made to the tax commissioner: (1) Receipts from all taxes levied upon the grand list of each town and (2) receipts from taxation by any city, borough, school district, fire district, lighting district or other municipal association coterminous with or within such town. If any town has failed to lay any such taxes in any year of the three fiscal years next preceding July first of the year in which report is to be made, the two years last preceding such July first during which such taxes were laid shall be used to determine the yearly average.

(1949 Rev., S. 1563; 1949, S. 967d; 1967, P.A. 21, S. 1.)

Sec. 10-269. Statement by town treasurer.

Section 10-269 is repealed.

(1949 Rev., S. 1564; 1961, P.A. 525, S. 2.)
See Sec. 10-273a.

Sec. 10-270. Certificate by tax commissioner for elementary school transportation grant.

Section 10-270 is repealed.

(1949 Rev., S. 1565; 1961, P.A. 525, S. 2.)
See Sec. 10-273a.

Sec. 10-271. Classification for reimbursement for transportation to and from elementary schools.

Section 10-271 is repealed.

(1949 Rev., S. 1566; 1961, P.A. 525, S. 2.)
See Sec. 10-273a.

Sec. 10-272. Rebimbursement for transportation to and from elementary schools.

Section 10-272 is repealed.

(1949 Rev., S. 1567; 1961, P.A. 525, S. 2.)
See Sec. 10-273a.

Sec. 10-273. Transportation grants for kindergarten pupils.

Section 10-273 is repealed.

(1951, S. 968d; 1961, P.A. 525, S. 2.)
See Sec. 10-273a.

Sec. 10-273a. Reimbursement for transportation to and from elementary and secondary schools.

Any town transporting children to and from any public elementary school, including kindergartens, or to and from any public secondary school within said town shall be reimbursed for fifty per cent of the cost of such transportation not to exceed an average of twenty dollars per pupil annually.

(1961, P.A. 525, S. 1, 3; 1963, P.A. 291; February, 1965, P.A. 361, S. 11.)
Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-273b. Reimbursement for sidewalk construction.

Section 10-273b is repealed.

(P.A. 74-288, S. 1, 3; P.A. 75-479, S. 24, 25; 75-567, S. 76, 80.)

Sec. 10-274. Definition of "high school" for purpose of transportation grants.

Section 10-274 is repealed.

(1949 Rev., S. 1568; 1969, P.A. 672, S. 2.)

Sec. 10-275. Statement by town treasurer.

Section 10-275 is repealed.

(1949 Rev., S. 1569; 1969, P.A. 672, S. 2.)

Sec. 10-276. Certificate by tax commissioner for high school transportation grant.

Section 10-276 is repealed.

(1949 Rev., S. 1570; 1969, P.A. 672, S. 2.)

Sec 10-277. Reimbursement for transportation of high school pupils from towns or regional school districts not maintaining high schools. Transportation to nonpublic schools.

(a) For the purposes of this section, "high school" means any public high school or public junior high school approved by the state board of education.

(b) Any town or regional school district which does not maintain a high school shall pay the reasonable and necessary cost of transportation of any pupil under twenty-one years of age who resides with his parents or guardian in such school district and who, with the written consent of the board of education, attends any high school approved by the state board of education. The town or regional board of education may, upon request, enter into a written agreement with the parents of any high school pupil permitting such pupil to attend an approved public high school other than that to which transportation is furnished by the school district and each may pay such costs of transportation as may be agreed upon. Such necessary and reasonable cost of transportation shall be paid by the town treasurer or the regional school district treasurer upon order of the superintendent of schools, as authorized by the board of education. The board of education may also, at its discretion, provide additional transportation for any pupil attending such high school to and from the point of embarkation in the town in which the pupil resides. Annually, before August first, the superintendent of schools of each school district so transporting pupils to high school shall certify under oath to the state board of education the names of the high schools to which such pupils were transported and the number of pupils so transported to each school together with the total cost to the town of such transportation. Upon application to the state board of education, any town or regional school district which so provides transportation for high school pupils enrolled in a school not maintained by such district pursuant to this section shall, annually, receive from the state an amount equal to one-half of the total cost to the town or district of such transportation, provided the state shall not pay to any town or regional school district more than an average of thirty-five dollars per pupil so transported.

(c) Any town or regional school district which is transporting students to a high school, shall have the authority, at its discretion, to furnish similar transportation to nonpublic high schools or junior high schools located within the same town to which the town or regional school district is transporting students in accordance with subsection (b) of this section, or to nonpublic high schools or junior high schools located in a town adjacent to the transporting town or regional school district, or to a town adjacent to the town in which is located the public high school or junior high school to which the students are transported. If such town or regional school district does provide such transportation, it shall be reimbursed in the same manner and amounts as provided in subsection (b) of this section.

(1949 Rev., S. 1571; 1949, S. 989d; 1961, P.A. 63, S. 2; 1963, P.A. 492; 1967, P.A. 190, S. 2; 1969, P.A. 672, S. 1; 1971, P.A. 851, S. 1.)

Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-278. Permanent classification for reimbursements.

Section 10-278 is repealed.

(1949 Rev., S. 1572; 1969, P.A. 672, S. 2.)

Sec. 10-279. Classification for reimbursement.

Section 10-279 is repealed.

(1949 Rev., S. 1573; 1969, P.A. 672, S. 2.)

Sec. 10-280. Reimbursement fixed in amount received for school year ended June 30, 1938.

Section 10-280 is repealed.

(1949 Rev., S. 1574; 1969, P.A. 672, S. 2.)

Sec. 10-281. Transportation for pupils in nonprofit private schools.

Any town, city, borough or school district shall provide, for its children attending private schools therein, not conducted for profit, when a majority of the children attending such a school are from the state of Connecticut, the same kind of transportation services provided for its children attending public schools; provided, in no case shall a town, city, borough or school district be required to expend for private school transportation, in any one school year, a per pupil transportation expenditure greater than an amount double the local per pupil expenditure for public school transportation during the last completed school year. Any such town, city, borough or school district providing transportation under this section shall be reimbursed for the cost of such transportation upon the same basis and in the same manner as such town, city, borough or school district is reimbursed for transporting children attending its public schools. The parent or guardian of any student who is denied the kind of transportation services required to be provided by this section may seek a remedy in the same manner as is provided for parents of public school children in section 10-186 and section 10-187.

(1957, P.A. 547, S. 1, 2; 1971, P.A. 653, S. 1, 2; 871, S. 80; P.A. 74-257, S. 1, 3; P.A. 75-479, S. 9, 25; P.A. 76-85.)
See Sec. 7-9.
Held constitutional as long as "school fund" not used for transportation purposes. 147 C. 374. (one dissent).

CHAPTER 172a

REIMBURSEMENT GRANTS FOR PARENTAL EQUIVALENT INSTRUCTION COSTS

Sec. 10-281a. (Secs. 10-281a--10-281u.) Nonpubic school secular education act.

Sections 10-281a to 10-281u, inclusive, are repealed. The balance of the appropriations under section 10-281v is deemed to be available to carry out the purposes of sections 10-281w to 10-281gg, inclusive.

(1969, P.A. 791, S. 1--27; 1971, P.A. 670, S. 20, 131; 1972, P.A. 104, S. 12, 13.)

Sec. 10-281v. Appropriation.

The sum of six million dollars is appropriated to carry out the purposes of this chapter.

(1969, P.A. 791, S. 28.)

Sec. 10-281w. Short title.

Sections 10-281w to 10-281gg, inclusive, shall be known as the "Act for Reimbursement Grants for Parental Equivalent Instruction Costs."

(1972, P.A. 104, S. 1.)

Sec. 10-281x. Legislative findings.

It is hereby determined and declared as a matter of legislative finding: (1) The welfare of the state requires that each child receive a quality education. This objective is furthered by education of children in nonpublic and public schools; (2) a substantial number of citizens in this state are satisfying compulsory education laws, without cost to the taxpayers, by arranging for their children to receive equivalent instruction in studies taught in the public schools. Wherefore, it is declared to be the public policy of the state of Connecticut that in order to assist parents who are making this major contribution to the public welfare and to encourage them to continue to provide this public service, a program of reimbursement grants to parents of nonpublic school students is hereby established.

(1972, P.A. 104, S. 2.)

Sec. 10-281y. Definitions.

The following terms whenever used or referred to in sections 10-281w to 10-281gg, inclusive, shall have the following meanings, except in those instances where the context clearly indicates otherwise: (1) "Nonpublic school" shall mean any elementary or secondary school within the state, other than a public school, wherein any child may legally fulfill the compulsory attendance requirements of law, which complies with the provisions of section 10-188, which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352); (2) "student" shall mean any child who is a permanent resident of the state and who is enrolled full time in a nonpublic school. A child who boards at a Connecticut school but who has no other residence in the state shall not be deemed to be a permanent resident of the state within the meaning of sections 10-281w to 10-281gg, inclusive; (3) "parent" shall mean a natural parent of a student or any person standing in loco parentis to a student; (4) "secretary" shall mean the secretary of the state board of education; (5) "comptroller" shall mean the comptroller of the state; (6) "treasurer" shall mean the treasurer of the state; (7) "parental equivalent instruction cost reimbursement fund" shall mean the fund created by section 10-281w to 10-281gg, inclusive.

(1972, P.A. 104, S. 3.)

Sec. 10-281z. Parental equivalent instruction cost reimbursement fund.

A parental equivalent instruction cost reimbursement fund shall be established to reimburse and thereafter in providing to their children at a reduced cost to the taxpayers equivalent instruction in the studies taught in the public schools. Such parental grants shall be issued at the end of each school year to parents who have provided equivalent instruction pursuant to section 10-184. Application for such parental grants shall be made in the manner prescribed by the state board of education to said board. Upon certification by said board as to the payee and the amount of the grant, the comptroller shall draw his order on the treasurer in favor of the payee and in the amount so certified. Such applications shall contain parental assurances that: (1) Such parent has expended money in an amount equal to or in excess of the per-child grant authorized by sections 10-281w to 10-281gg, inclusive, for the purpose of providing equivalent instruction to his child pursuant to section 10-184; (2) his child is enrolled in a nonpublic school certified by the state of Connecticut and not conducted for profit; (3) the school in which his child is enrolled meets the requirements of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C.A. 1000 (d); (4) the applicant is a resident of the state of Connecticut; (5) the applicant is the only parent claiming a grant for such applicant.

(1972, P.A. 104, S. 4.)

Sec. 10-281aa. Amount of grant.

Parental reimbursement grants authorized herein shall be seventy-five dollars per nonpublic school pupil in grades kindergarten through eight, inclusive, and one hundred and fifty dollars per nonpublic school pupil in grades nine through twelve, inclusive, if the parent has expended monies equal to or in excess of such amounts for purposes reimbursable pursuant to sections 10-281w to 10-281gg, inclusive. If the parent has expended a lesser amount than that stipulated above, then the grant shall be in that lesser amount. Such grants shall in no event exceed monies expended by parents for purposes reimbursable pursuant to said sections and shall in no event exceed fifty per cent of the state-wide average cost of educating pupils in the public schools.

(1972, P.A. 104, S. 5.)

Sec. 10-281bb. Enrollment requirements.

Parental reimbursement grants shall be based on the actual months enrolled divided by the number of months scheduled during the school year. For the purposes of this calculation, a student enrolled for at least one day of a month shall be considered enrolled for the entire month, and a month in which at least one day of instruction is scheduled shall be considered as a full month of scheduled instruction. A parent of a student enrolled in a nonpublic school for less than the entire school year shall receive a prorated grant based on the months of attendance.

(1972, P.A. 104, S. 6.)

Sec. 10-281cc. Administration.

The administration of sections 10-281w to 10-281gg, inclusive, shall be under the direction of the secretary who shall establish rules and regulations to carry out the provisions of said sections. All expenses of administration shall be paid out of the parental equivalent instruction cost reimbursement fund.

(1972, P.A. 104, S. 7.)

Sec. 10-281dd. School fund not to be used for payments.

No portion of the fund referred to in Article 8, section 4, of the constitution of Connecticut, known as the "school fund," shall be paid into the parental equivalent instruction cost reimbursement fund, nor shall the "school fund" be used to make any payment under sections 10-281w to 10-281gg, inclusive.

(1972, P.A. 104, S. 8.)

Sec. 10-281ee. Proration of grants if fund insufficient.

In the event that, in any fiscal year, the total amount of monies which were actually paid into the parental equivalent instruction cost reimbursement fund shall be insufficient to pay the total number of claims submitted by parents to the secretary, the reimbursement payments provided for in section 10-281aa shall be proportionate in amount to the per cent which the total amount of monies in the parental equivalent instruction cost reimbursement fund bears to the total amount of claims.

(1972, P.A. 104, S. 9.)

Sec. 10-281ff. Severability.

If a part of sections 10-281w to 10-281gg, inclusive, shall be held invalid, all valid parts that are severable from the invalid part shall remain in effect. If a part of said sections is held invalid, in one or more of its applications, such part shall remain in effect in all valid applications that are severable from the invalid applications.

(1972, P.A. 104, S. 10.)

Sec. 10-281gg. Payment stayed if legal action brought.

If any action is instituted in any court challenging the constitutionality of the provisions of sections 10-281w to 10-281gg, inclusive, notwithstanding the provisions of said sections, then after the institution of such action no payments shall be made until final judgment is entered in such action.

(1972, P.A. 104, S. 11.)

CHAPTER 173

PUBLIC SCHOOL BUILDING PROJECTS

Sec. 10-282. Definitions.

As used in this chapter, "elementary school building" means any public school building designed to house any combination of grades below grade seven; "secondary school building" means any public school building designed to house any combination of grades seven through twelve or any regional vocational agriculture center established under the provisions of part IV of chapter 164, and may also include any separate combination of grades five and six or grade six with grades seven and eight in a program approved by the state board of education when the use of special facilities generally associated with secondary schools is an essential part of the program for all grades included in such school; "school building project," except as used in section 10-289, means (1) the construction, purchasing, leasing, extension, replacement, furnishing, equipping or major alteration of a building to be used for public school purposes, including the improvement of land therefor, or the improvement of the site of an existing building for public school purposes, but shall not include the cost of a site; and (2) the construction, furnishing and equipping of any building which the towns of Norwich, Winchester and Woodstock may provide by lease or otherwise for use by the Norwich Free Academy, Gilbert School and Woodstock Academy, respectively, in furnishing education for public school pupils under the provisions of section 10-34; "extension" of an existing school building means the addition to an existing building or remaining portion of an existing building damaged by fire, flood or other natural catastrophe, or the erection of a new structure or group of structures on the same site which, together with the existing building, is designed to house pupils in an educational program under the supervision of one school principal; "replacement" of a school building means the erection of a new structure on the same or another site to replace a school building totally destroyed by fire, flood or other natural catastrophe or one to be abandoned for school use upon completion of its replacement; "major alteration" means a capital improvement of an existing building for public school purposes resulting in improved educational, safety or health conditions which costs more than ten thousand dollars; "completed school building project" means a school building project declared complete by the state board of education as of the date shown on the final application for grant payment purposes as designated by the secretary of the state board of education or his agent; "date of beginning of construction" means the date on which the general construction contract or the first phase thereof, purchase agreement or leasing agreement is signed by the authorized agent of the town or regional school district; "standards" means architectural, engineering and education space specifications and standards for facility eligibility; "application" or "grant application" means formal notification of intention to apply for a state grant-in-aid for a particular school building project.

(November, 1949, 1953, S. 978d; 1957, P.A. 13, S. 65; 593, S. 1; 1959, P.A. 321, S. 1; February, 1965, P.A. 340, S. 2; 416, S. 1; 1967, P.A. 588, S. 1; 1969, P.A. 582, S. 1, 751, S. 7; P.A. 73-358, S. 1; P.A. 74-344, S. 1, 3; P.A. 76-418, S. 1, 18.)

A school building site is not within the definition of a "school building project" hereunder, and section 10-291 is not applicable to its acquisition. 168 C. 135.

Sec. 10-283. Applications for grants.

Each town or regional school district which has completed or shall complete a school building project on or after January 1, 1957, shall be eligible to apply for and accept grants as provided in this chapter. Any town desiring a grant for a public school building project may, by vote of its legislative body, authorize the board of education of such town to apply to the state board of education and to accept or reject such grant for the town. Any regional school board may vote to authorize the supervising agent of the regional school district to apply to the state board of education for and to accept or reject such grant for the district. Applications for such grants under this chapter shall be made by the superintendent of schools of such town or the supervising agent of the regional school district on the form provided and in the manner prescribed by the state board of education. Grant applications for school building projects not eligible for assistance under section 10-287a shall be reviewed by the state board of education on the basis of priorities for building projects and standards for school construction established by said board. Such priorities shall be reviewed annually by the board and shall be based upon various factors including, but not limited to: (1) The educational needs of the applicant; (2) the applicant's adjusted equalized net grand list per capita and its school tax rate as defined in section 10-261; (3) the applicant's need for the school building project considering the age and condition of existing facilities and projected enrolment figures of the applicant when compared with regional and statewide enrolment projections and whether or not in the five years immediately preceding said application there has been an abandonment, sale, lease, demolition or redirection of use of any school facility constructed or renovated with state assistance; (4) the applicant's current and projected expenditures for education and other municipal services; and (5) evidence of attempts on the part of the applicant to economize through the use of cooperative arrangements and to adequately maintain existing school facilities. All applications submitted prior to the first day of July in any year shall be reviewed promptly by the board and the amount of the grant for which such project is eligible shall be estimated. The board shall annually prepare a listing of all such eligible projects ranked in order of priority together with the amount of the estimated grants therefor including an estimate of the grant for payment of interest cost and shall submit the same to the governor and the general assembly on or before the fifteenth day of December, except as provided in section 10-283a, with a request for authorization to enter into grant commitments. The general assembly shall annually authorize the board to enter into grant commitments on behalf of the state in accordance with the board's priority listing in such amount as the general assembly shall determine. The board may not enter into any such grant commitments except pursuant to such legislative authorization. Notwithstanding the application date requirements of this section, the state board of education may approve applications for grants to assist school building projects to remedy damage from fire and catastrophe and safety and health violations at any time within the limit of available grant authorization and make payments thereon within the limit of appropriated funds. The state board of education shall issue regulations to carry out its duties under this section. Any regional school district which assumes the responsibility for completion of a public school building project shall be eligible for a grant pursuant to subsection (e) or (f), as the case may be, of section 10-286 when such project is completed and accepted by such regional school district. In computing the amount of a state grant for a school building project for which a grant application is submitted within five years after any abandonment, sale, lease, demolition or redirection of use of any school facility constructed or renovated with state assistance, the state board of education shall deduct the amount of money or value received from such abandonment, sale, lease, demolition or redirection of use from the total cost of such school building project.

(November, 1949, 1951, 1953, S. 980d; 1957, P.A. 256, S. 1; 593, S. 2; 1969, P.A. 493, S. 1; 698, S. 24; P.A. 76-418, S. 2, 18.)

Sec. 10-283a. Regulations as to standards and priorities. Committee from general assembly to review priority listing prior to February 1, 1977.

The board shall prepare regulations with respect to standards and priorities for school building projects for which applications for state assistance are submitted pursuant to section 10-283, and shall submit the same prior to September 1, 1976 to a committee to be appointed not later than July 2, 1976, consisting of eight persons who are members of the general assembly at the time of their appointment and whose terms on such committee shall expire February 1, 1977, as follows: Two persons each appointed by the speaker of the house of representatives, the minority leader of the house of representatives, the president pro tempore of the senate and the minority leader of the senate. Such regulations shall become effective on November 1, 1976, unless rejected or amended by said committee prior thereto. Regulations adopted pursuant to this section shall be filed with the secretary of the state for publication in accordance with chapter 54 and need not be in compliance with the other provisions of said chapter. The listing of eligible projects ranked in order of priority shall be submitted to said committee prior to December 15, 1976 to determine if said listing is in compliance with the standards and priorities established pursuant to said regulations. The committee may modify the priority listing if it finds that the board acted in an arbitrary or unreasonable manner in establishing such priority listing. Such modified priority listing must be in compliance with said standards and priorities. Prior to February 1, 1977, the committee shall submit the approved or modified listing of priority projects to the governor and the general assembly.

(P.A. 76-418, S. 3, 18.)

Sec. 10-284. Approval of applications by state board.

The state board of education shall have authority to receive, review and approve applications for state grants under this chapter, or to disapprove any such application if (1) it does not comply with the requirements of the state fire marshal or the state department of health or (2) it does not comply with the provisions of section 10-290d and section 10-291 calling for the filing of plans and specifications with the state board of education or (3) it does not meet the standards or school building priorities established by the state board of education, except that said board in any one fiscal year shall not approve commitments for state grants for regional vocational agriculture centers totaling more than three hundred thousand dollars or commitments for state grants for regional or local centers for occupational training which serve programs authorized under section 10-266f totaling more than one hundred thousand dollars or commitments for state grants for cooperative regional special educational facilities totaling more than two million dollars. When any such application is approved, said board shall certify to the comptroller the amount of the grant for which the town or regional school district is eligible under this chapter and the amount and time of the payment thereunder. Upon receipt of such certification, the comptroller is authorized and directed to draw his order on the treasurer in such amount and at such time as certified by said board.

(November, 1949, 1953, S. 981d; 1957, P.A. 593, S. 3; 1959, P.A. 321, S. 2; 611, S. 5; 1967, P.A. 638, S. 3; P.A. 73-165; P.A. 76-418, S. 4, 18.)

Sec. 10-285. Acceptance or rejection of allotment.

Section 10-285 is repealed.

(November, 1949, 1951, 1953, S. 982d; 1957, P.A. 593, S. 4; P.A. 73-77.)

Sec. 10-286. Computation of grants.

The amount of the grant approved by the state board of education under the provisions of this chapter for any completed school building project shall be computed as follows: (a) In the case of a new school plant, fifty per cent of the result of multiplying together the number of pupils such plant is designed to accommodate, the number of gross square feet per pupil determined by the state board of education to be adequate for the kind of educational program or programs intended, and the gross cost per square foot of such project, or fifty per cent of the cost of such project, whichever is less, provided, any such project on which construction was started prior to July 1, 1975, shall be reimbursed under the formula in effect prior to said date; (b) in the case of an extension of an existing school building, projects involving the major alteration of any existing building to be used for public school purposes, projects involving improvements to the site of an existing building, or projects involving the purchase of an existing building to be used for school purposes, one-half of the necessary cost as determined by the state board of education; (c) in the case of a school building project in a secondary regional school district, seventy per cent of the result of multiplying together the number of pupils such project is designed to accommodate, the number of gross square feet per pupil determined by the state board of education to be adequate for the kind of educational program or programs intended, and the gross cost per square foot of such project, or seventy per cent of the cost of such project, whichever is less, provided, any such project on which construction was started prior to July 1, 1975, shall be reimbursed under the formula in effect prior to said date; (d) in the case of a school building project in a regional school district providing accommodations for pupils in kindergarten through grade twelve for all participating towns, eighty per cent of the result of multiplying together the number of pupils such project is designed to accommodate, the number of gross square feet per pupil determined by the state board of education to be adequate for the kind of educational program or programs intended, and the gross cost per square foot of such project, or eighty per cent of the cost of such project, whichever is less, provided, any such project on which construction was started prior to July 1, 1975, shall be reimbursed under the formula in effect prior to said date, and provided further that if any school building project described in subsections (a) through (d), inclusive, of this section, includes new outdoor athletic facilities, tennis courts or a natatorium, gymnasium or auditorium, the grant for the construction of such outdoor athletic facilities, tennis courts and natatorium shall be limited to twenty-five per cent of the total cost of construction thereof; the grant for the construction of an area of spectator seating in a gymnasium shall be twenty-five per cent of the total cost of construction thereof; and the grant for the construction of the seating area in an auditorium shall be limited to fifty per cent of the total cost of construction of the portion of such area that seats one-half of the designed enrolment of the school which it serves; (e) in the case of a regional vocational agriculture center, the total cost of such project, except as provided in section 10-284; (f) in the case of a local or regional center for occupational training which serves programs authorized under section 10-266f, the total cost of such project or two hundred thousand dollars, whichever is less; (g) in the case of a public school administrative or service facility, one-half the necessary project cost as determined by the state board of education; and (h) in the case of a project involving the lease of an existing building which has been used as a private school, an amount equal to one-twentieth of such building's appraised value not to exceed one-half the necessary cost of the lease as determined by the state board of education, provided such building shall be reappraised every five years and, provided further, no building shall be leased by a school district for more than twenty years. Such grant shall be paid annually at least ten days prior to the lease payment date for such building. Before any town or regional school district shall be eligible for a grant under the provisions of this subsection, such school district shall demonstrate to the state board of education that the proposed leasing arrangement will provide satisfactory school facilities at less cost than the construction of a new building. In the case of all grants computed under this section for a project which constitutes a replacement, extension or major alteration of a damaged or destroyed facility, the appraised value of the damaged or destroyed facility shall be deducted from project cost estimates prior to computation of the grant. The limitation on grants for new outdoor athletic facilities, tennis courts, natatorium, gynmasium and auditorium shall not apply to school building projects for which applications for review of preliminary plans and specifications on form 2A were submitted prior to October 1, 1975, in the case of towns and prior to October 15, 1975, in the case of regional school districts.

(November, 1949, 1953, S. 983d; 1957, P.A. 593, S. 5; March, 1958, P.A. 7, S. 1; 1959, P.A. 321, S. 3; February, 1965, P.A. 361, S. 12; 1967, P.A. 588, S. 2; 1969, P.A. 751, S. 8; P.A. 74-344, S. 2, 3; P.A. 75-298, S. 1, 2; P.A. 76-418, S. 5, 18.)

See Sec. 10-42.

Violates Article I, Sec. 20 and Article VIII, Sec. 1 of Connecticut Constitution. 31 CS 377.

Sec. 10-286a. Grants for occupational training facilities.

Under the provisions of section 10-286 the state board of education may, within the limit of funds available, pay to any town or regional school district which may qualify a grant equal to the cost of constructing, remodeling, or renting and equipping facilities to be used for the purposes specified in section 10-266f on an experimental or demonstration basis on either a local or regional basis. Such grants shall not individually exceed two hundred thousand dollars and shall be paid in one lump sum upon approval by the state board of education.

(February, 1965, P.A. 361, S. 8; 1967, P.A. 588, S. 6.)

Sec. 10-286b. Adjustment of grants approved prior to July 1, 1967. Formula for regional school districts.

School building project grants approved prior to July 1, 1967, shall be adjusted so that each payment made thereunder, on or after July 1, 1968, shall be equal to the total grant for such project recomputed in accordance with subsection (a), (b), (c) or (d) of section 10-286, as the case may be, and divided by the number of payments for which the original grant provided. The status of such projects with respect to grade level and regional character for the purposes of such recomputation shall be the same as used for the original grant approved. School building project grants to regional school districts approved prior to July 1, 1967, shall be adjusted so that each payment made thereunder, on and after July 1, 1969, shall be equal to the amount derived by dividing the total grant which would have been due had the grant originally been computed on the basis of one thousand four hundred dollars for each pupil which the school was designed to accommodate or one-half the cost of such project, whichever was less, by the number of payments specified in the original grant. In addition, each such regional school district shall receive such additional percentage as would have been due under the general statutes in effect at the original date of approval of the grant. No grant payment due under the original computation of grants provided under this chapter shall be reduced by reason of the application of this section. For the amount due during the fiscal year ending June 30, 1970, there shall be added to each such payment an amount equal to the difference between the payment for such grant received during the fiscal year ending June 30, 1969, and the amount which would have been received during that time had this section been in effect.

(1967, P.A. 588, S. 3; 1969, P.A. 617, S. 1.)

Sec. 10-286c. Establishment of criteria for building grants.

Section 10-286c is repealed.

(1967, P.A. 588, S. 5; 1969, P.A. 698, S. 27.)

Sec. 10-286d. Site-acquisition grant.

Any grant for a completed school building project approved by the state board of education after July 1, 1967, under the provisions of sections 10-282, 10-286, 10-286a and 10-286c shall include an amount equal to one-half of the site acquisition costs related to such project which are determined to be necessary by the state board of education, provided the site of such project was approved by the state board of education and by the local board of education in such school district prior to the date of beginning of construction. Such site-acquisition grant shall be in addition to the amount granted pursuant to section 10-286. In the case of the extension of an existing school building or a major alteration of such building, the site-acquisition grant shall apply only to additions to the site which are required by such project. In the case of new school building projects the date of site acquisition shall have no bearing on approval of a site-acquisition grant.

(1967, P.A. 588, S. 4; P.A. 76-418, S. 6, 18.)

Sec. 10-287. Instalment payment of grants. Construction contracts subject to bid.

A grant under this chapter to meet project costs not eligible for state financial assistance under section 10-287a shall be paid in equal annual instalments, the number of which shall be the same as the number of instalment payments on municipal bonds issued for the purpose of financing such costs except in cases where the number of such instalment payments on municipal bonds is less than five or where the project has been fully paid for, in which cases the number of instalments shall be five or, in the case of a regional vocational agriculture center or a cooperative regional special educational facility, shall be one. Grants under twenty-five thousand dollars shall be paid in one lump sum. All orders and contracts for school building construction receiving state assistance under this chapter shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, which shall be advertised in a newspaper having circulation in the town in which construction is to take place, except those contracts or orders costing less than ten thousand dollars and those of an emergency nature, as determined by the state board of education, in which cases the contractor or vendor may be selected by negotiation, provided no local fiscal regulations, ordinances or charter provisions conflict.

(November, 1949, 1951, 1953, S. 985d; 1957, P.A. 593, S. 6; 1959, P.A. 321, S. 4; 1963, P.A. 317; February, 1965, P.A. 361, S. 13; 1969, P.A. 751, S. 1; 1971, P.A. 695, S. 1; P.A. 73-215, S. 1, 2; P.A. 76-418, S. 7, 18.)

Sec. 10-287a. Lump sum payments. Advance payment of grants. Overpayment.

A grant under this chapter to meet project costs not permanently financed prior to July 1, 1969, shall be payable in one lump sum forthwith after the completion of such projects and a determination by the state board of education of the amount of such grant, but only if the application for review of preliminary plans and specifications on form 2A for such project was submitted prior to October 1, 1975, in the case of towns and prior to October 15, 1975, in the case of regional school districts. The state board of education is authorized on behalf of the state, subject to the approval of the state bond commission, to make a commitment for such grant at any time prior to the completion of such project and to make advances thereon at such times and in such amounts as it shall deem advisable, provided the aggregate of such advances shall at no time exceed the estimated amount of such grant as determined by the state board of education. If the aggregate of such advances exceeds the amount of such grant as finally determined by the state board of education, the town or regional school district receiving such advances shall promptly repay to the state the amount of such overpayment.

(1969, P.A. 751, S. 2; 1971, P.A. 695, S. 2; P.A. 76-418, S. 8, 18.)

Sec. 10-287b. Loans for school building projects. Terms of bonds and notes evidencing such loans.

Section 10-287b is repealed.

(November, 1949, 1951, 1953, S. 985d; 1957, P.A. 593, S. 6; 1959, P.A. 321, S. 4; 1963, P.A. 317; February, 1965, P.A. 361, S. 13; 1969, P.A. 751, S. 3; 1971, P.A. 695, S. 9.)

Sec. 10-287c. Regulations.

The state board of education is authorized to prescribe such rules and regulations in consultation with the commissioner of finance and control as may be necessary to carry out the purposes of sections 10-287, 10-287a and 10-287g. Whenever the state board of education has made a commitment for a grant prior to the completion of a project as provided in section 10-287a, and said board has made advances thereon as provided in said section, any such rules or regulations prescribed in accordance with this section which were in effect at the time of such commitment and advances shall be applicable to any additional commitment and subsequent advances with respect to said project.

(1969, P.A. 751, S. 4; 1971, P.A. 695, S. 3; P.A. 76-351, S. 1, 2.)

Sec. 10-287d. Bond issue.

For the purposes of section 10-287a, subdivision (a) of section 10-65, section 10-76e and making grants to assist school building projects to remedy safety and health violations and damage from fire and catastrophe, the state treasurer is authorized and directed, subject to and in accordance with the provisions of section 3-20, to issue bonds of the state from time to time in one or more series in an aggregate amount not exceeding five hundred four million dollars. Bonds of each series shall bear such date or dates and mature at such time or times not exceeding thirty years from their respective dates and be subject to such redemption privileges, with or without premium, as may be fixed by the state bond commission. They shall be sold at not less than par and accrued interest and the full faith and credit of the state is pledged for the payment of the interest thereon and the principal thereof as the same shall become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the treasurer shall pay such principal and interest as the same become due. The state treasurer is authorized to invest temporarily in direct obligations of the United States, United States agency obligations, certificates of deposit, commercial paper or bank acceptances such portion of the proceeds of such bonds or of any notes issued in anticipation thereof as may be deemed available for such purpose.

(1969, P.A. 751, S. 5; 1971, P.A. 25, S. 1; 695, S. 4; June, 1971, P.A. 4, S. 4; 1972, P.A. 225, S. 3; P.A. 73-286, S. 4, 5; P.A. 76-418, S. 17, 18.)

Sec. 10-287e. School building construction fund.

All moneys received by the state in payment of the principal of and the interest on bonds purchased and held by the state under the provisions of section 10-287b of the 1969 supplement to the general statutes, together with all net earnings on the temporary investment thereof, shall comprise a fund to be designated "School Building Construction Fund" and the moneys in said fund shall be used to pay the principal of and the interest on bonds issued by the state treasurer under section 10-287d and of notes, to the extent not paid by renewal notes, issued in anticipation of the receipt of the proceeds of such bonds.

(1969, P.A. 751, S. 6; 1971, P.A. 695, S. 5.)

Sec. 10-287f. Renewal of temporary notes outstanding.

Any town or regional school district which has temporary notes outstanding in anticipation of the receipt of the proceeds from the sale of bonds authorized for construction of school building projects eligible for a grant under section 10-287a may renew such notes from time to time without regard to the provisions of sections 7-378 and 10-56 and any other sections of the general statutes, public act or special act or charter which limit the time for renewing temporary notes issued in anticipation of the receipt of the proceeds of bond issues, provided that (i) no such notes may be renewed to mature more than six months after the final grant payment under section 10-287a or July 1, 1971, whichever is later and (ii) all grant payments received by the town or district shall be applied promptly toward project costs or toward repayment of such temporary notes as the same shall become due and payable.

(June, 1969, P.A. 1, S. 65; 1971, P.A. 695, S. 6.)

Sec. 10-287g. Interest subsidy on bonds issued after July 1, 1971.

For the purpose of providing grants in the form of interest subsidies as set forth in this section, the state board of education shall certify to the comptroller, upon completion of each school building project eligible for assistance under section 10-287a, the local share of the cost of such project, which shall be the total cost of such project as determined by said board to be eligible for assistance under section 10-287a less the total grant payments paid by the state. The comptroller is authorized and directed to draw his order on the treasurer upon certification of said board to pay any regional school district, town, consolidated town and city and consolidated town and borough an interest subsidy on bonds issued after July 1, 1971, for the local share of the cost of such school building project but not in excess of the amount certified as such share by the state board of education for such project. Such interest subsidy shall be the difference between four per cent per annum and the lower of six per cent or the net interest cost on such bonds. Such payments shall be paid to the issuer at least ten days prior to the interest payment dates on such bonds and may be made on a reimbursement basis in the event such bonds were issued prior to the date of such certification by the state board of education.

(1971, P.A. 695, S. 8; P.A. 76-418, S. 9, 18.)

Sec. 10-287h. Grants to include interest on bonds issued by towns to finance state share of cost.

Any grant commitment for a completed school building project for which an application for review of preliminary plans and specifications on Form 2A was submitted after September 30, 1975, in the case of a town or after October 14, 1975, in the case of a regional school district shall include a commitment to pay the interest cost on bonds issued by such town or regional school district to finance the state share of the cost of such project as determined by the state board of education. The state board of education shall certify to the comptroller, upon completion of the financing of each school building project, the dates and amounts of grant payments to be made pursuant to this section and section 10-287, and the comptroller is authorized and directed to draw his order on the treasurer upon such certification to pay the amounts so certified when due. The treasurer shall make such payments at least ten days prior to the interest payment dates on bonds issued to finance such project and may make such payments on a reimbursement basis in the event such bonds were issued prior to the date of such certification by the state board of education.

(P.A. 76-418, S. 10, 18.)

Sec. 10-288. Grants and loans to towns unable to complete projects.

Any town or regional school district having a school building project which it is unable to finance, after estimating any grant available to it under section 10-286, may, by vote of its legislative body or by vote of the regional board of education, direct the selectmen or the chairman of the board of education of such town or regional school district to apply to the state board of education for a hardship grant or loan for such purpose. The board shall, in determining the town's or district's ability to finance such a school building project, consider among other factors for such town or for the towns comprising such district the valuation of real property within such town or district as reflected in a grand list adjusted on the basis of true market value, tax-supported bonded indebtedness, the tax rate, expenditures for school building projects since July 1, 1945, school building needs as determined by the local board or boards of education for the present biennium and for such future period as the state board deems appropriate, and planned and urgently needed capital improvements which will affect the debt burden or tax rate of the town or towns. If the state board finds that (1) the town or district is financially unable to complete such project and (2) the standard of education in such town or district will deteriorate unless a hardship grant or loan is received for such project, the state board may, with the approval of a committee consisting of the governor, the attorney general, the comptroller and the commissioner of finance and control, make a hardship grant or loan to such town or district in such amount and on such terms as it considers necessary and proper, and may in its discretion pay such grant or loan in one sum or in instalments. In case of a hardship grant or loan to a regional school district, said state board may allocate the amount thereof which shall be credited to each town's proportionate share of the project or of the district's indebtedness and current expenditures as determined under the provisions of section 10-51.

(November, 1949, 1953, S. 986d; 1957, P.A. 261; 593, S. 7; P.A. 73-527.)

Cited. 28 CS 207.

Sec. 10-288a. Replacement or relocation of secondary school associated with center.

When the secondary school with which an approved vocational agriculture center has been associated is to be replaced or relocated within a town or regional school district, the state board of education may require the relocation of the equipment and program in a building approximately equal to that serving as a center for vocational agriculture education. Such new facilities shall be included in or adjacent to the high school which is to serve the needs of the vocational agriculture pupils and shall conform to requirements of the state board of education with respect to location, design and construction. Said town or regional school district may receive a grant for the construction of such replaced or relocated vocational agriculture center as provided in subsection (e) of section 10-286 for a secondary regional school district or subsection (f) of section 10-286, whichever may be appropriate. Upon final approval by the state board of education of the replacement or relocation of such vocational agriculture center the town or regional school district may use the facilities which had previously served as such center for such purposes as it determines advisable.

(1967, P.A. 638, S. 4; 1971, P.A. 365, S. 1.)

Sec. 10-289. Issuance of bonds for school building project.

As used in this section, "school building project" means (1) the construction, purchase, extension, furnishing, equipping or major alteration of a building to be used for public school purposes, including the acquisition and improvement of land therefor, with the improvements thereon, if any, and (2) the construction, furnishing and equipping of any building which the towns of Norwich, Winchester and Woodstock may provide by lease or otherwise for use by the Norwich Free Academy, Gilbert School and Woodstock Academy, respectively, in furnishing education for public school pupils under the provisions of section 10-34. Any town, consolidated town and city and consolidated town and borough upon approval by a vote of the members present at a regular or special meeting of its legislative body, shall have the power, without further authority from the general assembly, to issue its bonds, which shall be obligatory upon the inhabitants thereof, for the purpose of financing in whole or in part any school building project. School bonds authorized pursuant to this section or section 10-56, shall bear interest at such rate or rates as shall be determined in accordance with the provisions of resolutions authorizing such bonds.

(November, 1949, 1953, June, 1955, S. 988d; 1957, P.A. 13, S. 66; 593, S. 8; 1971, P.A. 695, S. 7; P.A. 74-114, S. 1, 2; P.A. 76-418, S. 11, 18.)

See Sec. 364d, 1955 supplement.

Acquisition of a school building site is not subject to section 10-291 and is not within the definition of a school building project. 168 C. 135.

Sec. 10-290. Advisory school planning service.

Section 10-290 is repealed.

(1953, S. 989d; 1957, P.A. 593, S. 9; 1959, P.A. 611, S. 6.)

Sec. 10-290a. School construction economy service.

The state board of education shall maintain a school construction economy service for the purpose of providing advisory services to local officials and agencies on long range school plant planning and educational specifications and reviewing the sketches and preliminary plans and outline specifications for any school building project and the educational program which it is designed to house and advising boards of education and school building committees regarding the suitability of such plans on the basis of educational effectiveness, sound construction and reasonable economy of cost, and for said purposes may employ the necessary staff, including architects and engineers and, when feasible, shall utilize the expertise of the department of public works.

(1959, P.A. 611, S. 1; 1969, P.A. 434, S. 1; P.A. 76-418, S. 12, 18.)

Sec. 10-290b. Publication and distribution of information.

The state board of education, through the school construction economy service, shall arrange for the collection, publication and distribution of information on procedures for school building committees, building methods and materials suitable for school construction and on relevant educational methods, requirements and materials, and shall furnish such information to towns or regional school districts planning school construction. Said board, through the school construction economy service, shall from time to time inform local officials and agencies involved in school construction of the services available under sections 10-290a to 10-290d, inclusive.

(1959, P.A. 611, S. 2.)

Sec. 10-290c. Advisory committee.

The state board of education shall appoint a school construction economy service advisory committee from outside its membership to give advice and make recommendations to said board regarding the purpose of sections 10-290a to 10-290d, inclusive. The members of said committee shall serve without compensation for their services but may be reimbursed for travel expense.

(1959, P.A. 611, S. 3; P.A. 76-418, S. 13, 18.)

Sec. 10-290d. Establishment of standards. Submission of plans. Conveyance of air space over schools.

(a) The state board of education, upon the recommendation of said school construction economy service, shall establish standards of construction consistent with the purpose of sections 10-290a to 10-290d, inclusive, which shall include the use of commercial or residential structures for school purposes and the incorporation of school facilities in such commercial or residential structures, which shall be used as a basis for reviewing preliminary and final plans and specifications. Any town or regional school district undertaking a school building project for which state aid is to be sought shall submit to the state board of education the preliminary plans and specifications for such project and the educational program it is designed to house at such time and in such manner as the state board of education may specify. The state board of education, through its school construction economy service, shall review such plans, specifications and programs in the light of the established standards of construction and shall report to the local officials and agencies involved in school construction its conclusions as to whether the proposals submitted to it are consistent with such standards and, if it concludes such proposals are not consistent with such standards, it shall disapprove state assistance for such projects.

(b) Any municipality, with the approval of the state board of education, may convey any type of interest in air space over land used for school purposes to a private developer for residential or commercial uses or to a quasi-municipal or public nonmunicipal corporation. Said conveyance shall be made upon the recommendation of the chief executive officer with the approval of the legislative body of the municipality.

(1959, P.A. 611, S. 4; February, 1965, P.A. 340, S. 1; 1969, P.A. 705; P.A. 76-418, S. 14, 18.)

Sec. 10-291. Approval of plans and site.

No school building project for which state assistance is sought shall be undertaken except according to a plan and on a site approved by the state board of education, the town or regional board of education and by the building committee of such town or district nor at an expense exceeding the sum which the town or regional district may appropriate therefor. No such project shall be let out for bid until a grant commitment has been approved therefor. A copy of final plans and specifications for each phase of site development and construction of all school building projects and for each phase thereof including site development shall be filed with the state board of education before the start of such phase of development or construction shall be begun. Subsequent to the approval of a grant commitment, a town or regional school district may commence a phase of development or construction before completion of final plans and specifications for the whole project provided a copy of the latest preliminary plan and cost estimate for such project which has been approved by the town or regional board of education and by the building committee shall be submitted with the final plans and specifications for such phase.

(1949 Rev., S. 1496; 1953, S. 990d; 1957, P.A. 593, S. 10; 1967, P.A. 294, S. 1; P.A. 73, 358, S. 2; P.A. 76-418, S. 15,18.)
See Secs. 19-380 to 19-386.
Prior approval by town board of education and town building committee not applicable to acquisition of a school building site. 168 C. 135.

Sec. 10-292. Review of plans; conformity with requirements of state fire marshal, health department and building inspector.

Upon receipt by the state board of education of the final plans for any phase of a school building project as provided in section 10-291, said board shall promptly review such plans and check them to the extent appropriate for the phase of development or construction for which final plans have been submitted to determine whether they conform with the requirements of the state fire marshal and the state department of health, and for compliance with the standards adopted by the state building inspector for design and construction of public buildings to meet the needs of disabled persons, and if acceptable a final written approval of such phase shall be sent to the town or regional board of education and the school building committee. No phase of a school building project shall go out for bidding purposes prior to such written approval.

(1953, S. 991d; 1957, P.A. 593, S. 11; 1969, P.A. 413; P.A. 73-358, S. 3; P.A. 76-418, S. 16, 18.)
See Ch. 353.

CHAPTER 2

LEGAL HOLIDAYS AND STANDARD OF TIME

Sec. 1-4. Days designated as legal holidays.

In each year the first day of January (known as New Year's Day), the fifteenth day of January (known as Martin Luther King Day), the twelfth day of February (known as Lincoln Day), the third Monday in February (known as Washington's Birthday), the last Monday in May (known as Memorial Day or Decoration Day), the fourth day of July (known as Independence Day), the first Monday in September (known as Labor Day), the second Monday in October (known as Columbus Day), the eleventh day of November (known as Veterans' Day) and the twenty-fifth day of December (known as Christmas), or, whenever any of such days, which are not designated above to occur on Sunday or Monday, occurs upon Sunday, the Monday next following such day, and any day appointed or recommended by the governor of this state or the president of the United States as a day of thanksgiving, fasting or religious observance, shall each be a legal holiday. When any such holiday occurs on a school day, there shall be no session of the public schools on such day.

(1949, Rev., S. 8880; 1955, S. 3354d; 1969, P.A. 11, S. 1; P.A. 73-3, S. 1; 73-648, S. 1; P.A. 76-267, S. 1.)
See Sec. 36-28.

Celebration of Independence Day by a city as authorized by its charter held to be performance of governmental duty. 91 C. 80. When last day for filing notice of appeal falls on a holiday, notice filed on following day is in season. Id. 385. Likewise when last day for giving notice of injury under section 13a-149 (formerly 13-11) is a holiday. 131 C. 396.

Cited. 10 CS 205.

Sec. 1-15. Application for copies of public records. Certified copies. Fees.

Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The fee for any copy, or printout, or transcription provided in accordance with this section and sections 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall not exceed the cost thereof to the public agency. The public agency shall waive any fee provided for in this section when (1) the person requesting the records is an indigent individual, (2) the records located are determined by the public agency to be exempt from disclosure under subsection (b) of section 1-19, or (3) in its judgment, compliance with the applicant's request benefits the general welfare. Except as otherwise provided by law, the fee for any person who has the custody of any public records or files for certifying any copy of such records or files, or certifying to any fact appearing therefrom, shall be for the first page of such certificate, or copy and certificate, one dollar; and for each additional page, fifty cents. For the purpose of computing such fee, such copy and certificate shall be deemed to be one continuous instrument.

(1949 Rev., S. 3625; 1959, P.A. 352, S. 1; P.A. 75-342, S. 5.)
See Sec. 7-34a(a).

Sec. 1-18a. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(a) "Public agency" or "agency" means any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, and also includes any judicial office, official or body of the court of common pleas, probate court and juvenile court but only in respect to its or their administrative functions.

(b) "Meeting" means any hearing or other proceeding of a public agency and any convening or assembly of a quorum of a multi-member public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power, but shall not include any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business. "Meeting" shall not include strategy or negotiations with respect to collective bargaining nor a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency. "Caucus" means a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision.

(c) "Person" means natural person, partnership, corporation, association or society.

(d) "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

(e) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (1) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (2) strategy and negotiations with respect to pending claims and litigation; (3) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (4) discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (5) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-19.

(P.A. 75-342, S. 1.)

Sec. 1-19. Access to public records. Exempt records.

(a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to inspect or copy such records at such reasonable time as may be determined by the custodian thereof. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the clerk of any political subdivision or the secretary of the state, as the case may be. Any certified record hereunder attested as a true copy by the clerk, chief or deputy or such other person designated or empowered by law to so act, of such agency shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(b) Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be construed to require disclosure of (1) preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure; personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy; (2) records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known, (B) information to be used in a prospective law enforcement action if prejudicial to such action, (C) investigatory techniques not otherwise known to the general public, or (D) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes; (3) records pertaining to pending claims and litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled; (4) trade secrets, which for purposes of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are recognized by law as confidential, and commercial or financial information given in confidence, not required by law and obtained from the public; (5) test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations; (6) the contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision; (7) statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his personal qualification for the license, certificate or permit applied for; (8) records, reports and statements of strategy or negotiations with respect to collective bargaining; (9) records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship.

(c) The records referred to in subsection (b) shall not be deemed public records for the purposes of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, provided disclosure pursuant to the provisions of said sections shall be required of all records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in chapter 352, or any nursing home, home for the aged or rest home, as defined in sections 19-576 to 19-601, inclusive, by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings.

(1957, P.A. 428, S. 1; 1963, P.A. 260; 1967, P.A. 723, S. 1; 1969, P.A. 193; 1971, P.A. 193; P.A. 75-342, S. 2; P.A. 76-294.)

See Secs. 16a-14, 52-165, 52-166, 52-167.

Cited. 31 CS 392. Construed as permitting public access to raw real estate assessment data. 32 CS 583. Document need not be connected with an official or completed transaction to be a public record. 32 CS 588.

Presumed legislature, by insertion of exception clause, intended to exclude from operation of statute exclusive power over admission to bar vested in superior court by section 51-80. 4 Conn. Cir. Ct. 313, 321. State's right to inspect records relating to building permits cannot be defeated by city ordinance. 4 Conn. Cir. Ct. 511, 513, 515. Section construed broadly in conjunction with statutes creating state boards of registration for professional engineers and architects. Id. Medical files public record, when. 6 Conn. Cir. Ct. 633.

Sec. 1-19a. Access to computer-stored records.

Any public agency which maintains its records in a computer storage system shall provide a printout of any data properly identified.

(P.A. 75-342, S. 4.)

Sec. 1-19b. Agency administration. Disclosure of personnel, birth and tax records. Judicial records and proceedings.

Nothing in sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, shall be: (1) Construed as preventing any public agency from opening its records concerning the administration of such agency to public inspection, or (2) construed as authorizing the withholding of information in personnel files, birth records or of confidential tax data from the individual who is the subject of such records, or (3) be deemed in any manner to affect the status of judicial records as they existed prior to October 1, 1975, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state.

(P.A. 75-342, S. 3.)

Sec. 1-21. Meetings of government agencies to be public. Recording of votes. Schedule of meetings to be filed. Notice of special meetings. Executive sessions exempt.

The meetings of all public agencies, except executive sessions as defined in subsection (e) of section 1-18a shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours, excluding any Saturday, Sunday or legal holiday, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection at all reasonable times. Each such public agency of the state shall file not later than January thirty-first of each year in the office of the secretary of the state the schedule of the regular meetings of such public agency for the ensuing year, except that such provision shall not apply to the general assembly, either house thereof or to any committee thereof. Any other provision of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, notwithstanding, the general assembly shall adopt rules to provide notice to the public of its regular, special, emergency or interim committee meetings. The chairman and secretary of any such public agency of any political subdivision of the state shall file, not later than January thirty-first of each year, with the clerk of such subdivision the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed. Notice of each special meeting of every public agency, except for the general assembly, either house thereof or any committee thereof, shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice of the time and place thereof in the office of the secretary of the state for any such public agency of the state, and in the office of the clerk of such subdivision for any public agency of a political subdivision of the state; provided, however, in case of emergency, except for the general assembly, either house thereof or any committee thereof, any such special meeting may be held without complying with the foregoing requirement for the posting of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the secretary of the state or the clerk of such political subdivision, as the case may be, not later than seventy-two hours following the holding of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the public agency a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Nothing in this section shall be construed to prohibit any agency from adopting more stringent notice requirements. No member of the public shall be required, as a condition to attendance at a meeting of any such body to register his name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to his attendance, except as provided in section 2-45. A public agency may hold an executive session as defined in subsection (e) of section 1-18a upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in said section.

(1957, P.A. 468, S. 1; 1967, P.A. 723, S. 2; 1971, P.A. 499; P.A. 75-342, S. 6; P.A. 76-435, S. 63, 82.)

See Secs. 1-21c to 1-21g, inclusive.

Where statute requires vote of each board member to be recorded, absence of record of dissenting vote indicated affirmative vote. 148 C. 622.

Plaintiff newspaper reporter as a member of the public has standing to challenge the closing of a town council meeting without required vote. Provision of the Enfield charter that all meetings of the town council be open to the public must yield to state statutes. Where council is exercising its administrative and executive powers, it may close its sessions. 31 CS 329.

Presumed legislature, by insertion of exception clause in section 1-19, intended to exclude from operation of "right to know" statutes exclusive power over admission to bar vested in superior court by section 51-80. 4 Conn. Cir. Ct. 313, 321.

Sec. 1-21a. *Broadcasting or photographing meetings.

(a) At any meeting of a public agency which is open to the public, pursuant to the provisions of section 1-21, proceedings of such public agency may be photographed, broadcast or recorded for broadcast, subject to such rules as such public agency may have prescribed prior to such meeting, by any newspaper, radio broadcasting company or television broadcasting company. Any radio, television or photographic equipment may be so located within the meeting room as to permit the broadcasting either by radio, or by television, or by both, or the photographing of the proceedings of such public agency. The photographer or broadcaster and its personnel shall be required to handle the photographing or broadcast as inconspicuously as possible and in such manner as not to disturb the proceedings of the public agency. As used herein the term television shall include the transmission of visual and audible signals by cable.

(b) Any such public agency may adopt rules governing such photography or the use of such broadcasting equipment for radio and television stations but, in the absence of the adoption of such rules and regulations by such public agency prior to the meeting, such photography or the use of such radio and television equipment shall be permitted as provided in subsection (a).

(c) Whenever there is a violation or the probability of a violation of subsections (a) and (b) of this section the court of common pleas, or a judge thereof, for the county or judicial district in which such meeting is taking place shall, upon application made by affidavit that such violation is taking place or that there is reasonable probability that such violation will take place, issue a temporary injunction against any such violation without notice to the adverse party to show cause why such injunction should not be granted and without the plaintiff's giving bond. Any person or public agency so enjoined may immediately appear and be heard by the court or judge granting such injunction with regard to dissolving or modifying the same and after hearing the parties and upon a determination that such meeting should not be open to the public said court or judge may dissolve or modify the injunction. Any action taken by a judge upon any such application shall be immediately certified to the court to which such proceedings are returnable.

(1967, P.A. 851, S. 1, 2; 1969, P.A. 706; P.A. 74-183, S. 161, 291; P.A. 75-342, S. 12; P.A. 76-435, S. 24, 82.)
***See P.A. 76-436, S. 562 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 1-21b. Smoking in public meetings in rooms in public buildings prohibited. Penalty.

(a) No person shall smoke in any room in a public building while a meeting open to the general public is in progress in such room. Any person found guilty of violating this section shall be fined not more than five dollars.

(b) Notwithstanding the provisions of subsection (a), no person shall be arrested for violating this section unless there is posted in such room a sign which indicates that smoking is prohibited. Such sign shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide and shall be visibly posted by the person having control over the premises.

(P.A. 74-126, S. 1-3.)

Sec. 1-21c. Mailing of notice of meetings to persons filing written request. Fees.

The public agency shall, where practicable, give notice by mail of each regular meeting, and of any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for such notice with such body, except that such body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting. Such notice requirement shall not apply to the general assembly, either house thereof or to any committee thereof. Any request for notice filed pursuant to this section shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for notice shall be filed within thirty days after January first of each year. Such public agency may establish a reasonable charge for sending such notice based on the estimated cost of providing such service.

(P.A. 75-342, S. 7.)

Sec. 1-21d. Adjournment of meetings. Notice.

The public agency may adjourn any regular or special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular meeting the clerk or the secretary of such body may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in section 1-21, for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, within twenty-four hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings, by ordinance, resolution, by law or other rule.

(P.A. 75-342, S. 8.)

Sec. 1-21e. Continued hearings. Notice.

Any hearing being held, or noticed or ordered to be held, by the public agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of such agency in the same manner and to the same extent set forth in section 1-21d, for the adjournment of meeting, provided, that if the hearing is continued to a time less than twenty-four hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted on or near the door of the place where the hearing was held immediately following the meeting at which the order or declaration of continuance was adopted or made.

(P.A. 75-342, S. 9.)

Sec. 1-21f. Regular meetings to be held pursuant to regulation, ordinance or resolution.

The public agency shall provide by regulation, in the case of a state agency, or by ordinance or resolution in the case of an agency of a political subdivision, the place for holding its regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If it shall be unsafe to meet in the place designated, the meetings may be held at such place as is designated by the presiding officer of the public agency; provided a copy of the minutes of any such meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the secretary of the state or the clerk of the political subdivision, as the case may be, not later than seventy-two hours following the holding of such meeting.

(P.A. 75-342, S. 10.)

Sec. 1-21g. Executive sessions.

At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance.

(P.A. 75-342, S. 11.)

Sec. 1-21h. Conduct of meetings.

In the event that any meeting of a public agency is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are wilfully interrupting the meetings, the members of the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit such public agency from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the meeting.

(P.A. 75-342, S. 13.)

Sec. 1-21i. Denial of access of public records or meetings. Notice. Appeals.

(a) Any denial of the right to inspect or copy records provided for under section 1-19, shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request. Failure to comply with a request to so inspect or copy such public record within such four business day period shall be deemed to be a denial.

(b) Any person denied the right to inspect or copy records under section 1-19 or wrongfully denied the right to attend any meeting of a public agency may appeal therefrom, within fifteen days, to the freedom of information commission, by filing a notice of appeal with said commission and a copy thereof with the agency. Said commission shall, within twenty days after receipt of the notice of appeal, hear such appeal after due notice to the parties and shall decide the appeal within fifteen days after such hearing, by confirming the action of the agency or ordering the agency to comply forthwith. It may, in its sound discretion, declare any or all actions taken at any meeting to which such person was denied the right to attend null and void.

(c) Any person who does not receive proper notice of any meeting of a public agency in accordance with the provisions of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, may appeal under the provisions of subsection (a) of this section. A public agency of the state shall be presumed to have given timely and proper notice of any meeting as provided for in said sections if notice is given in the Connecticut Law Journal or a Legislative Bulletin. A public agency of a political subdivision shall be presumed to have given proper notice of any meeting, if a notice is timely sent under the provisions of said sections by first-class mail to the address indicated in the request of the person requesting the same. If such commission, determines that notice was improper, it may, in its sound discretion, declare any or all actions taken at such meeting null and void.

(d) Any person aggrieved by the decision of said commission may appeal therefrom, within fifteen days, to the court of common pleas for the county or judicial district wherein such body, agency, commission, or official is located, which appeal shall be returnable to said court in the same manner as that prescribed for civil actions. Notice of such appeal shall be given by leaving a true and attested copy thereof with, or at the usual place of abode of, the chairman or secretary of said commission. The appeal shall state the reasons upon which it has been predicated and shall not stay proceedings upon the decision of said commission appealed from, but the court to which such appeal is returnable may, on application, on notice to the commission and on cause shown, grant a restraining order. Said commission shall be required to submit either the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof. The court, upon such appeal, shall review the proceedings of said commission and shall allow any party to introduce evidence in addition to the contents of the record of the case returned by said commission if the record does not contain a complete transcript of the entire proceedings before said commission or if, upon the hearing upon such appeal, it appears to the court that additional testimony is necessary for the equitable disposition of the appeal. The court, upon such appeal and after a hearing thereon, may reverse or affirm, in whole or in part, or may modify or revise the decision appealed from. Such appeals shall be privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by or on behalf of the state, including informations on the relation of private individuals. Nothing in this section shall deprive any person of any rights he may have had at common law prior to January 1, 1958. The court, or the freedom of information commission, if it finds that the denial of any right created by sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, was wilful and that there was no reasonable ground for such denial, shall fine the custodian or other official directly responsible for such denial not less than twenty nor more than five hundred dollars.

(P.A. 75-342, S. 14; P.A. 76-435, S. 25, 82.)

Sec. 1-21j. Freedom of information commission. Appointment. Duties. Powers.

(a) There shall be a freedom of information commission consisting of three members appointed by the governor, with the advice and consent of either house of the general assembly, who shall serve for terms of six years from the July first of the year of their appointment, except that of the members first appointed, one shall serve for a period of four years from July 1, 1975, and one shall serve for a period of two years from July 1, 1975. No more than two members shall be members of the same political party. Said commission shall be an autonomous body within the office of the secretary of the state for fiscal and budgetary purposes only.

(b) Each member shall receive twenty-five dollars per day for each day such member is present at a commission hearing and an allowance for transportation, a sum not to exceed twelve cents per mile, for each day such member attends a commission hearing.

(c) The governor shall select one of its members as a chairman. The commission shall maintain a permanent office at Hartford in such suitable space as the public works commissioner provides; the secretary of the state shall provide such secretarial assistance as is needed. All papers required to be filed with the commission shall be delivered to such office.

(d) The commission shall, subject to the provisions of sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive, promptly review the alleged violation of said sections and issue an order pertaining to the same. Said commission shall have the power to investigate all alleged violations of said sections and may for the purpose of investigating any violation hold a hearing, administer oaths, examine witnesses, receive oral and documentary evidence, have the power to subpoena witnesses under procedural rules adopted by the commission to compel attendance and to require the production for examination of any books and papers which the commission deems relevant in any matter under investigation or in question. In case of a refusal to comply with any such subpoena or to testify with respect to any matter upon which that person may be lawfully interrogated, the court of common pleas for the county of Hartford, on application of the commission, may issue an order requiring such person to comply with such subpoena and to testify; failure to obey any such order of the court may be punished by the court as a contempt thereof.

(P.A. 75-342, S. 15, 19.)

Sec. 1-21k. Penalties.

(a) Any person who wilfully, knowingly and with intent to do so, destroys, mutilates or otherwise disposes of any public record without the approval required under section 1-18 or unless pursuant to chapter 47, or who alters any public record, shall be guilty of a class A misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense.

(b) Any member of any public agency who fails to comply with an order of the freedom of information commission shall be guilty of a class B misdemeanor and each occurrence of failure to comply with such order shall constitute a separate offense.

(P.A. 75-342, S. 16.)

Sec. 2-27b. Review of bond acts by committee on finance.

Each bond act, as defined in section 3-20, shall be reviewed by the joint standing committee on finance of the general assembly no later than five years following the effective date of such act. Such review shall include, but not be limited to, consideration of the amount expended prior to such review on any project provided for in such act and the total cost for completion of such project. Said committee may request whatever information is required to conduct such review from any state official, board, commission or department and such information shall be provided to said committee within fourteen days following receipt of such request. Upon completion of its review, said committee shall recommend to the general assembly whatever legislation it shall deem necessary with respect to such project.

(P.A. 76-349, S. 2, 3.)

Sec. 3-20. State general obligation bond procedure act. State bond commission.

(a) This section shall be known as and may be cited as, and its short title shall be, the state general obligation bond procedure act.

(b) The following terms, when used in this section, shall have the following meanings, unless the context otherwise requires: "Bonds" means general obligations of the state for the payment of the principal of and interest on which, as the same become due, the full faith and credit of the state are pledged; "bond act" means a general statute, public act or special act of the general assembly empowering the state bond commission to authorize bonds heretofore enacted or hereafter enacted; "refunding bonds" means bonds authorized to be issued and sold pursuant to subsection (i) hereof and hereunder; "resolution" means a resolution adopted by a majority of the members of the state bond commission. The adoption of a resolution is hereby deemed to satisfy and supersede the requirement of any bond act for a written determination signed by the majority of the members of the state bond commission and filed in the office of the secretary of the state; "state bond commission" or "commission" means the state bond commission as established herein.

(c) There is established the state bond commission, which shall consist of the governor, the treasurer, the comptroller, the attorney general, the commissioner of finance and control and the public works commissioner, each of whom may designate a deputy to represent him as a member at meetings of the state bond commission with full powers to act and vote in his behalf. The members of said commission shall serve without compensation.

(d) All bonds of the state, authorized by the state bond commission acting prior to July 1, 1972, pursuant to any bond act taking effect prior to such date, shall be issued in accordance with such bond act or this section. All bonds of the state authorized to be issued by the state bond commission acting on or after July 1, 1972, pursuant to any bond act taking effect before, on or after such date shall be authorized and shall be issued in accordance with this section.

(e) The principal and interest of bonds and refunding bonds, their transfer and the income therefrom, including any profit on the sale or transfer thereof, shall at all times be exempt from any taxation by the state of Connecticut or under its authority, except for estate or succession taxes.

(f) With the exception of refunding bonds, the proceeds of the sale of the bonds shall be used for the purpose and projects specified in the bond act empowering the state bond commission to authorize such bonds. Any expense incurred in connection with the carrying out of the provisions of this section, including the issuance of refunding bonds, shall be paid from the accrued interest and premiums or from the proceeds of the sale of such bonds or refunding bonds and in the same manner as other obligations of the state, except that expenses incurred in connection with the preparation, issuance and delivery of general obligation bonds issued in accordance with sections 3-17, 3-27, 10-165, 10-179, 10-180 and 10-180b, and delivered to the pension fund provided for in subdivision (3) of section 10-165 shall be paid out of the general fund if sufficient accrued interest and premiums are not available to pay such expenses. With the exception of the proceeds of refunding bonds, pending the use or application of any bond proceeds, such proceeds may be invested by the treasurer in bonds or obligations of, or guaranteed by, the state or the United States, or agencies or instrumentalities of the United States, or in certificates of deposit, commercial paper, savings accounts and bank acceptances. Except as may be provided herein or in any other public or special act, net earnings of investments of proceeds of bonds, and accrued interest and premiums on the issuance of such bonds shall, after payment of expenses incurred by the treasurer or state bond commission in connection with their issuance, if any, be deposited to the credit of the general fund.

(g) With the exception of refunding bonds, whenever a bond act empowers the state bond commission to authorize bonds for any project or purpose or projects or purposes, and whenever the state bond commission finds that the authorization of such bonds will be in the best interests of the state, it shall authorize such bonds by resolution adopted by the approving vote of at least a majority of said commission. No such resolution shall be so adopted by the state bond commission unless it finds that there has been filed with it such requests and such other documents as it or said bond act require. Any such resolution so adopted by the state bond commission shall recite the bond act under which said commission is empowered to authorize such bonds and the filing of all requests and other documents, if any, required by it or such bond act, and shall state the principal amount of the bonds authorized and a description of the purpose or project for which such bonds are authorized. Such description shall be sufficient if made merely by reference to a numbered subsection, subdivision or other applicable section of such bond act. Upon adoption of a resolution, the principal amount of the bonds authorized therein for such purpose or project shall be deemed to be an appropriation and allocation of such amount for such purpose or project, respectively, and subject to approval by the governor of allotment thereof and to any authorization for such project or purpose that may otherwise be required, contracts may be awarded and obligations incurred with respect to any such project or purpose in amounts not in the aggregate exceeding such authorized principal amount, notwithstanding that such contracts and obligations may at a particular time exceed the amount of the proceeds from the sale of such bonds theretofore received by the state. In any such resolution so adopted, the state bond commission may include provision for the date or dates of such bonds, the maturity of such bonds and, notwithstanding the provisions of any bond act taking effect prior to July 1, 1973, provision for either serial or term, sinking fund or other reserve fund requirements, if any, due dates of the interest thereon, the form of such bonds, the denominations and designation of such bonds, registration, conversion and transfer privileges and the terms of redemption with or without premium and the date and manner of sale of such bonds, provisions for the consolidation of such bonds with other bonds including refunding bonds for the purpose of sale as provided in subsection (h) hereof, limitations with respect to the interest rate or rates on such bonds, provisions for receipt and deposit or investment of the good faith deposit pending delivery of such bonds and such other terms and conditions of such bonds and of the issuance and sale thereof as the state bond commission may determine to be in the best interest of the state, provided the state bond commission may delegate to the treasurer all or any part of the foregoing powers in which event the treasurer shall exercise such powers until the state bond commission, by adoption of a resolution prior to exercise of such powers by the treasurer shall elect to reassume the same. Such powers shall be exercised from time to time in such manner as the treasurer shall determine to be in the best interests of the state and he shall file a certificate of determination setting forth the details thereof with the secretary of the state bond commission on or before the date of delivery of such bonds, the details of which were determined by him in accordance with such delegation.

(h) Notwithstanding any general statute, public act or special act of the general assembly enacted prior to or after March 20, 1973, bonds or portions thereof, including refunding bonds authorized by any general statute, public act or special act of the general assembly enacted prior to or after said date to be issued by the commission or by the treasurer may be consolidated for the purpose of sale and issued, sold, printed and delivered as a single bond issue, provided, if bonds authorized under two or more bond acts are issued as a single bond issue or if bonds authorized under one or more bond acts together with refunding bonds are issued as a single bond issue, a separate maturity schedule or sinking fund requirements, if any, for such bonds or portions thereof authorized under each bond act and for the refunding bonds shall be established prior to such sale and filed with the secretary of the state bond commission.

(i) Notwithstanding any other provision of this section or of any general statute, public act or special act of the general assembly enacted prior to or after March 20, 1973, whenever the treasurer finds that it is in the best interests of the state to refund bonds issued pursuant to this section or pursuant to any other general statute, public act or special act of the general assembly enacted prior to or after said date the maturity date of which has not yet occurred, and whether such bonds to be refunded are or are not subject to redemption prior to maturity, refunding bonds of the state may be issued for the purpose of purchasing, paying, funding or refunding such bonds and the interest payable thereon in advance of their maturity, or, if subject to redemption, at such redemption date or dates as provided in such bonds, at maturity or on such date or dates as determined by the treasurer. No such refunding bonds shall be issued unless they are part of an issue described in a bond determination made and signed by the treasurer in accordance with and pursuant to this subsection of which a copy has been filed with the secretary of the bond commission prior to delivery of such refunding bonds and such determination (A) sets forth the maturities of the bonds, including any refunding bonds, and the interest instalments thereof, to be paid from the proceeds of the refunding bonds and (B) includes a certification of the treasurer that the state will achieve, as a result of the sale of such refunding bonds and the investment and application of the proceeds of such sale, net debt service savings. Upon the issuance of any refunding bonds the proceeds from the sale thereof shall be deemed to have been appropriated and pledged for and shall be used and applied to the purchase, redemption or payment of the bonds to be so refunded including the payment of any redemption premium thereon and any interest accrued or to accrue thereon to the date of purchase, redemption or payment of such bonds at or prior to the maturity of such bonds as set forth in the bond determination, the refunding bonds authorized and issued pursuant to this subsection (i) shall be general obligations of the state and the full faith and credit of the state are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal, including any amount of a mandatory sinking fund requirement as provided in such contract, and interest is hereby made, and the treasurer shall pay such amounts as the same become due. Pending such use or application of the proceeds of refunding bonds issued pursuant to this subsection (i), such proceeds may be invested in accordance with and subject to the provisions of such bond determination, in obligations of, or guaranteed by, the state or the United States or any agency or instrumentality of the United States or in certificates of deposit or time deposits secured by such obligations, or without limiting the foregoing in bonds, debentures, notes or participation certificates or other obligations issued by Federal Land Banks, the Federal National Mortgage Agency, the Federal Home Loan Bank System, the Export Import Bank, the Government National Mortgage Association, the Federal Intermediate Credit Banks, the Tennessee Valley Authority, public housing authorities and fully secured by payment of both principal and interest by a pledge of annual contributions under contracts with the United States of America, the United States Postal Service, banks for cooperatives and the farmers home administration and shall be held in trust by the treasurer in trust for use, application and investment as aforesaid separate and apart from other funds of the state or may be deposited with a trustee in trust for such use, application and investment, upon the execution of the bond determination the treasurer is authorized to execute contracts for such holding, deposit, use, application and investment of such proceeds. Except as may be provided in the bond determination authorizing refunding bonds pursuant to this subsection (i), net earnings of investments of proceeds of such refunding bonds not needed for the purpose for which such refunding bonds were authorized shall be deposited in the general fund. In any such bond determination of the treasurer authorizing refunding bonds pursuant to this subsection (i), said treasurer may include provision for the date or dates of such refunding bonds, the principal amount of such refunding bonds, provided the principal amount of such refunding bonds shall not exceed by ten per cent the principal amount of the bonds to be refunded, the maturity date or dates of such refunding bonds and provision relating to serial or term bonds and sinking or other reserve fund requirements, if any, the establishment and terms of any trust or trusts held by a trustee or by the treasurer pursuant to this subsection (i), due dates of the interest on such refunding bonds, the form thereof, including execution and issuance to the purchasers, pending preparation of definitive refunding bonds, of temporary bonds without coupons exchangeable for the definitive bonds when prepared, executed and ready for delivery, the denominations and designation of such refunding bonds, registration, conversion and transfer privileges and the terms of redemption with or without premium, the date and manner of sale of such refunding bonds, either public or private, at such price or prices as the treasurer may determine, provisions for the consolidation of such refunding bonds with other bonds for the purpose of sale as provided in subsection (h) hereof, limitations with respect to the interest rate or rates of such refunding bonds, provisions for receipt and deposit or investment of the good faith deposit pending delivery of such refunding bonds and such other terms and conditions of such refunding bonds and of the issuance and sale thereof and the investment of the proceeds thereof as the treasurer may determine to be in the best interests of the state.

(j) The commissioner of finance and control shall be the secretary of the state bond commission and shall be responsible for keeping complete records of the commission, including minutes certified by him of any meeting showing the adoption of any resolution by the commission and other actions taken by and documents filed with the commission, and such records shall be the official records of the proceedings of said commission and shall be maintained in the office of the commissioner of finance and control and open for public inspection. Meetings of the state bond commission shall be called upon such notice as may be determined by the state bond commission and may be open to the public.

(k) Bonds and refunding bonds shall be signed in the name of the state by the governor, the treasurer or the deputy treasurer appointed pursuant to section 3-12, and the comptroller and the coupons shall be signed by the treasurer. The facsimile signature of any two of said officials is authorized for signing of the bonds and refunding bonds and the facsimile signature of the treasurer is authorized for signing of the coupons and such bonds and refunding bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons has ceased to hold office at the time of such issue or at the time of the delivery of such bonds and refunding bonds to the purchaser.

(l) Notwithstanding any other provision of this section or of any bond act, no bonds shall be sold except on advertisements for sealed proposals published at least once five days before the sale in a financial newspaper circulating in the city of New York, state of New York, and in a newspaper published and of general circulation in Hartford. The provisions of this subsection shall not apply to general obligation bonds issued in accordance with sections 3-17, 3-27, 10-165, 10-179, 10-180 and 10-180b and delivered to the pension fund provided for in subdivision (3) of section 10-165 or to refunding bonds sold at private sale pursuant to subsection (i) hereof.

(m) With the exception of refunding bonds, whenever the state bond commission has adopted a resolution authorizing bonds, the treasurer may, pending the issuing of such bonds, issue, in the name of the state, temporary notes and any renewals thereof in anticipation of the proceeds from the sale of such bonds, which notes and any renewals thereof shall be designated "Anticipation Notes." The proceeds from the sale of such notes shall be used only for those purposes for which may be used the proceeds of the sale of bonds in anticipation whereof such anticipation notes were issued. Such portion of the proceeds from the sale of such bonds as may be required for such purposes shall be applied to the payment of the principal of and interest on any such anticipation notes which have been issued.

(n) The provisions of this section shall not apply to any bonds sold under section 13a-208 or, except to the extent provided for in this section, to any bonds issued before or after July 1, 1953, pursuant to any bond act which took effect prior to said date.

(o) Any bond act may adopt the provisions of this section by reference to this section or its short title and such reference shall serve to incorporate the provisions of this section in said bond act as though set out in full therein. Notwithstanding such adoption by reference, said bond act may contain provisions applicable to the bonds issued thereunder, and, in case of conflict, the provisions in such bond act shall prevail.

(p) Bonds issued in accordance with the provisions of this section pursuant to any bond act are secured by the full faith and credit of the state, and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of principal of and interest on such bonds is hereby made and the treasurer shall pay such principal and interest as the same become due.

(1953, 1955, June, 1955, S. 108d; 1959, P.A. 132, S. 13; 660, S. 1; 1961, P.A. 69; 1969, P.A. 629, S. 3; 1972, P.A. 85, S. 1; 243, S. 1; P.A. 73-4, S. 1, 2; P.A. 75-496, S. 1, 2; P.A. 76-349, S. 1, 3.)
Cited. 148 C. 622.

Sec. 3-90. Register and manual.

The secretary shall, annually, prepare and publish a register and manual that shall give a complete list of the state, county and town officers, of the judges of all courts and of the officials attending thereon. The population, railroad and postal facilities and other items of general interest concerning each town shall also be given in such book, and such other information in relation to state departments, state institutions and other matters of public concern as the secretary deems desirable. Twenty-eight thousand three hundred twenty-four copies of the state register and manual shall be published each year and distributed as follows: Twenty-five hundred copies to the state board of education to be distributed by it to the public schools of this state; eight hundred and fifty copies to the state librarian for exchange with other states and foreign countries and public libraries and one copy to each state officer, judge and clerk of each court in the state, except courts of probate, each senator and representative in congress from this state, each judge of probate, state's attorney, sheriff, town clerk, mayor of a city and warden of a borough. Two copies shall be sent to each senator and two copies to each representative and the residue, after retaining a sufficient number for distribution to the state departments, commissions and boards and, in the discretion of the secretary, to other parties than those herein enumerated, shall be transmitted directly to the town clerks of the several towns in proportion to their population, except that no town shall receive fewer than five copies, to be distributed as such towns may direct. The maximum number of copies of the state register and manual authorized to be published under the provisions of this section may be reduced in any specified year and the number of copies to be distributed to the various agencies and officers may be varied but not increased at the discretion of the secretary as the actual need therefor requires.

(1949 Rev., S. 173; 1955, S. 60d; 1959, P.A. 152, S. 4; 615, S. 16; 1963, P.A. 351; 1969, P.A. 543; P.A. 76-434, S. 1, 12.)

Sec. 3-116a. Direction of data processing in budgeted agencies. Data processing revolving fund.

The commissioner of finance and control shall assume operating control and direction of all electronic data processing and similar equipment and installations in the budgeted agencies of the state and shall determine the manner in which such equipment and installations may most efficiently and economically be utilized and correlated to service the needs of the budgeted agencies of the state. There shall be a data processing revolving fund in the department of finance and control for the purposes of this section. The working capital balance allocated to said data processing revolving fund shall be one million one hundred thousand dollars.

(February, 1965, P.A. 355, S. 1; P.A. 73-677, S. 6; P.A. 75-519, S. 4, 12; P.A. 76-208, S. 2, 4.)

Sec. 3-121. Comptroller's service fund.

The revolving fund known as the "Comptroller's Service Fund" shall remain as established. Said fund shall be allocated by the comptroller as the financing of interdepartmental and other transactions of his office requires.

(1949 Rev., S. 208; P.A. 73-476, S. 1, 3; P.A. 76-208, S. 1, 4.)

Sec. 4-87. Transfer and revision of appropriations.

(a) Whenever any specific appropriation of a budgeted agency proves insufficient to pay the expenditures required for the statutory purposes for which such appropriation was made, the governor may, at the request of the budgeted agency, transfer from any other specific appropriation of such budgeted agency such amount as the governor deems necessary to meet such expenditures. No transfer of a sum or sums of over ten thousand dollars in any one fiscal year to any specific appropriation shall be made under this section without the consent of the finance advisory committee. Notification of all transfers made shall be sent to the joint standing committee on appropriations through the office of fiscal analysis.

(b) When the work, procedures or organization of any budgeted agency is modified in any respect by reason of statutory changes or management studies, the managing director, budget and management division, department of finance and control, may prepare and submit to the governor his recommendations to increase or decrease the number of appropriation functions of such budgeted agency and the amounts therefor. The governor shall have full authority, with the approval of the finance advisory committee, to make such revision and to certify the same to the secretary of the state and the comptroller. Appropriation revisions approved by the governor for any specific agency shall not exceed in total the amount originally appropriated for that agency.

(1949 Rev., S. 239; 1959, P.A. 254; 1971, P.A. 1, S. 11; P.A. 73-679, S. 14, 43; P.A. 75-537, S. 29, 55; P.A. 76-260, S. 1, 2.)

Sec. 4-93. Finance advisory committee; appointment and term.

The finance advisory committee shall consist of the governor, the lieutenant governor, the treasurer, the comptroller, two senate members of the committee on appropriations appointed by the president pro tempore of the senate, not more than one of whom shall be of the same political party, and three house members of the committee on appropriations appointed by the speaker of the house, not more than two of whom shall be of the same political party. The president pro tempore of the senate and the speaker of the house shall make their respective appointments to the finance advisory committee before the sixth Wednesday after the convening of the general assembly. The legislative members of said committee shall serve until the sixth Wednesday after the convening of the next regular session of the general assembly and shall be paid at the rate of ten dollars per day for the time required in the performance of their duties, and shall receive travel allowance in the same amount as received by them when attending sessions of the general assembly. Said committee shall meet regularly on the first Wednesday of each month and at such other times as the governor designates.

(1949 Rev., S. 38; P.A. 76-434, S. 2, 12.)

Sec. 4-100. Penalty for exceeding appropriations; exceptions.

Whenever any specific appropriation of money has been made by the general assembly or by any community or corporation as provided in section 7-121, each agent, commissioner or executive officer of the state, except as provided in sections 4-87 and 4-99, or of any town, city, borough or school district, who wilfully authorizes or contracts for the expenditure of any money or the creation of any debt for any purpose in excess of the amount specifically appropriated for such purpose by the general assembly or the community or corporation of which he is agent, commissioner or executive officer, unless such expenditure is made or debt contracted for the necessary repair of roads or bridges, or the necessary support of schools or paupers, in cases arising after the proper appropriation has been exhausted, shall be fined not more than one thousand dollars or imprisoned in a community correctional center not more than one year or both.

(1949 Rev., S. 271; 1959, P.A. 152, S. 6.)

Penalty attaches only when a specific appropriation has been made and exceeded. 58 C. 462. Does not apply to governmental duty of municipality, or holding election. 89 C. 563; 96 C. 7. Payment to materialman not a violation of this section where amount appropriated has been paid to contractor. 109 C. 558. Cited. 111 C. 515.

Sec. 4-114a. Nondiscrimination clauses in state contracts.

Every contract to which the state is a party shall contain the following clause: The contractor agrees and warrants that in the performance of this contract he will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved in any manner prohibited by the laws of the United States or of the state of Connecticut, and further agrees to provide the commission on human rights and opportunities with such information requested by the commission concerning the employment practices and procedures of the contractor as relate to the provisions of this section.

(February, 1965, P.A. 366, S. 1, 1967, P.A. 284; P.A. 73-279, S. 13; P.A. 74-68; P.A. 76-8.)
See Sec. 1-1f.

Sec. 4-133a. Allocation of facilities to state agencies.

The commissioner of public works shall, subject to the approval of the state properties review board, order the assignment and removal of state agencies, other than institutions, to and from real estate available to the state, through ownership or lease, when he deems it necessary to provide space, facilities and necessary accommodations to meet the needs of any of such agencies and when such assignment or removal will be in the best interests of the state. If any such agency fails to abide by an order of assignment or removal of the commissioner, the public works commissioner shall promptly inform the governor of the reason for his order and of the failure of the agency to comply therewith.

(P.A. 76-309, S. 1, 2.)

CHAPTER 54*

UNIFORM ADMINISTRATIVE PROCEDURE ACT

*Cited. 165 C. 448, 449, 450. Pertinent provisions apply to proceedings of boards of education. 167 C. 368. Motor vehicles commissioner conducting of hearing under section 14-111(c) held in compliance with the Uniform Administrative Procedure Act. 168 C. 94.

Cited. 32 CS 104, 110. Applicability of chapter to state colleges, before and after public act 75-529. Procedure to challenge regulations. 32 CS 153.

Sec. 4-166. Definitions.

As used in this chapter:

(1) "Agency" means each state board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education authorized by law to make regulations or to determine contested cases;

(2) "Contested case" means a proceeding, including but not restricted to ratemaking, price fixing and licensing, in which the legal rights, duties or privileges of a party are required by statute to be determined by an agency after an opportunity for hearing or in which a hearing is in fact held, but does not include hearings referred to in section 4-168;

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

(4) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

(5) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency;

(7) "Regulation" means each agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include (1) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, or (2) declaratory rulings issued pursuant to section 4-176, or (3) intra-agency or inter-agency memoranda.

(1971, P.A. 854, S. 1; P.A. 73-620, S. 1--3, 19; P.A. 75-529, S. 2, 4.)

Cited. 166 C. 337. The term "state board" includes such entities as the Berlin board of education when acting as agent of the state. 167 C. 368. Cited. 168 C. 435.

Question whether personal policies of state colleges are "regulations" within meaning of this chapter. 32 CS 153.

Subsec. (1):

Berlin board of education held authorized by law to determine contested cases. 167 C. 368.

Subsec. (2):

Hearing under sec. 10-151(b) is a "contested case". 167 C. 368.

Cited. 30 CS 118, 120, 259.

Subsec. (5):

Parties admitted at a Blue Cross rate hearing, need only be served notice of an appeal, not necessarily made parties to the appeals. 31 CS 257.

Sec. 4-167. Organization description to be adopted. Rules of practice. Public inspection.

(a) In addition to other regulation-making requirements imposed by law, each agency shall: (1) Adopt as a regulation a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests; (2) adopt as a regulation rules of practice setting forth the nature and requirements of all formal and informal procedures available provided such rules shall be in conformance with the provisions of this chapter; (3) make available for public inspection all regulations and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions, and all forms and instructions used by the agency; (4) make available for public inspection all final orders, decisions and opinions.

(b) No agency regulation, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

(1971, P.A. 854, S. 2; P.A. 73-620, S. 4, 19; P.A. 76-297, S. 1.)

Cited. 165 C. 448, 450, 453.

Commission on hospitals and health care decision upheld although the commission failed to adopt rules of practice pursuant to section 4-167 because plaintiff failed to assert claim under section 4-174 at hearing. 32 CS 300.

Sec. 4-168. Notice prior to action on regulations. Hearings. Adoption procedure. Emergency regulations.

(a) Prior to the adoption, amendment or repeal of any regulation, the agency shall: (1) Give at least twenty days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action and the time when, the place where and the manner in which interested persons may present their views thereon. The notice shall be published in the Connecticut Law Journal; (2) afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing. In case of substantive regulations, opportunity to present oral argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members provided notice of such request is made to the agency within ten days of publication. The agency shall consider fully all written and oral submissions respecting the proposed regulation. No regulations may be adopted, amended or repealed by any agency, except as provided in subsection (b) of this section, until approval by the attorney general and the standing legislative regulation review committee, as provided in sections 4-169 and 4-170.

(b) If an agency finds that an imminent peril to the public health, safety or welfare requires adoption of a regulation upon fewer than twenty days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt any emergency regulation. The regulation may be effective for a period of not longer than one hundred twenty days renewable once for a period not exceeding an additional sixty days but the adoption of an identical regulation under subdivisions (1) and (2) of subsection (a) of this section is not precluded.

(c) No regulation adopted after January 1, 1972, is valid unless adopted in substantial compliance with this section. A proceeding to contest any regulation on the ground of noncompliance with the procedural requirements of this section shall be commenced within two years from the effective date of the regulation.

(1971, P.A. 854, S. 3; P.A. 73-616, S. 3; 73-620, S. 5, 19.)

Compliance with sections 4-169 and 4-170 is required by this section. 165 C. 448, 453.

Sec. 4-169. Approval of regulation by attorney general.

No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (b) of section 4-168 shall be effective until one copy thereof has been presented to the attorney general by the agency proposing such regulation, and approved by him, or by some other person designated by him for such purpose. The review of such regulations by the attorney general shall be limited to a determination of the legal sufficiency of the proposed regulation. In the event the attorney general or his designated representative fails to give notice to the agency of any legal insufficiency within thirty days of the receipt of the proposed regulation, he shall be deemed to have approved the proposed regulation for purposes of this section.

(1971, P.A. 854, S. 4.)

Cited. 165 C. 448, 453.

Sec. 4-170. Legislative regulation review committee.

(a) There shall be a standing legislative committee to review all regulations of the several state departments and agencies following the proposal thereof, which shall consist of eight members of the house of representatives, four from each major party, to be appointed on the first Wednesday after the first Monday in January in the odd-numbered years, by the speaker of said house, and six members of the senate, three from each major party, to be appointed on or before said dates by the president pro tempore of the senate. Said members shall serve for the balance of the term for which they were elected. Vacancies shall be filled by appointment by the authority making the appointment. The members of said committee shall elect from among their members two co-chairmen, one of whom shall be a member of the senate and one of whom shall be a member of the house of representatives, and either of whom may call meetings of the committee for the performance of its duties.

(b) No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (b) of section 4-168, shall be effective until seventeen copies thereof have been presented to the standing legislative regulation review committee by the agency proposing such regulation at a regular meeting of said committee, and approved by the committee. The form of proposed regulations which are presented to the committee shall be as follows: New language shall be in capital letters and language to be deleted shall be enclosed in brackets. Said committee may permit any proposed regulation or amendment to any regulation, including but not limited to a regulation or amendment which by reference therein incorporates in whole or in part, any other code, rule, regulation, standard or specification, to be presented to said committee in summary form together with a statement of purpose for such amendment. An agency may present a proposed regulation to the committee for approval at the same time that it presents the same regulation for approval of the attorney general under section 4-169; provided, in such case, the agency shall advise the committee of the attorney general's approval or disapproval prior to the date fixed for final action by the committee on such proposed regulation. Said committee shall review all proposed regulations and, in its discretion, may hold public hearings thereon, and may approve, disapprove, in whole or in part, or reject without prejudice any such regulation. In the event the committee fails to give notice to the agency of its approval, disapproval, in whole or in part, or rejection without prejudice of the proposed regulation within sixty-five days after its presentation to said committee, the committee shall be deemed to have approved the proposed regulation for purposes of this section. In the event the committee disapproves a proposed regulation in whole or in part, it shall give notice of such disapproval to the agency, and no agency shall thereafter issue any regulation or directive or take other action to implement such disapproved regulation or part thereof, as the case may be, provided the general assembly may reverse such disapproval under the provisions of section 4-171. If the committee disapproves any regulation proposed for the purpose of implementing a federally subsidized or assisted program, the general assembly shall be required to either sustain or reverse every such disapproval. If the committee rejects a proposed regulation without prejudice, it shall notify the agency of the reasons for the rejection and the agency may resubmit the regulation in revised form, in the same manner as provided in this section for the initial submission and the committee shall review and take action on such revised regulation within thirty-five days after it is presented at a regular meeting of said committee. Publication of the notice in the Connecticut Law Journal pursuant to the provisions of section 4-168 shall not be required in the case of such resubmission.

(1971, P.A. 854, S. 5; 1972, P.A. 258, S. 2; P.A. 73-396, S. 1, 2; P.A. 76-297, S. 2; P.A. 76-434, S. 3, 12.)
Cited 165 C. 448, 450, 453. Cited 168 C. 597.

Sec. 4-170a. Review of old regulations.

Notwithstanding any provision of this chapter, the legislative regulation review committee is authorized to review and approve or disapprove any regulation adopted prior to January 1, 1972, by any agency subject to this chapter.

(P.A. 73-512.)

Sec. 4-171. Submission of disapproval regulations to general assembly.

On or before February fifteenth of each regular session of the general assembly, the co-chairman of the standing legislative regulation review committee shall submit a copy of all proposed regulations which have been disapproved by the standing committee under subsection (b) of section 4-170, to the general assembly for its study. Such regulations shall be referred by the speaker of the house or by the president pro tempore of the senate to an appropriate committee for its consideration and such committee shall schedule hearings thereon. The general assembly may, by resolution, either sustain or reverse a vote of disapproval of the standing committee under the provisions of said subsection (b), except that in the event the general assembly fails during its regular session to sustain by resolution the disapproval of a regulation proposed for the purpose of implementing a federally subsidized or assisted program, the vote of disapproval shall be deemed reversed for purposes of this section and the proposed regulation shall become effective. Any action of the general assembly under the provisions of this section shall be effective as of the date of passage of the resolution in the second house of said general assembly.

(1971, P.A. 854, S. 6; P.A. 76-297, S. 3.)

Sec. 4-172. Certified copies of regulations filed with secretary of the state. Effective date. Publication.

(a) After approval as required by sections 4-169 and 4-170, or after reversal of a decision of the standing committee by the general assembly pursuant to section 4-171, each agency shall file in the office of the secretary of the state two certified copies of each regulation adopted by it, including all regulations existing on January 1, 1972. Each regulation when filed shall be in the form intended for publication, shall include the appropriate regulation section number and each section shall contain a section heading. The secretary of the state shall keep a permanent register of the regulations open to public inspection.

(b) Each regulation hereafter adopted is effective upon filing, except that: (1) If a later date is required by statute or specified in the regulation, the later date is the effective date; (2) subject to applicable constitutional or statutory provisions, an emergency regulation becomes effective immediately upon filing with the secretary of the state, or at a stated date less than twenty days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be filed with the regulation. The agency shall take appropriate measures to make emergency regulations known to the persons who may be affected by them.

(c) The secretary of the state, upon receipt of the certified copies of each regulation as provided in subsection (a) of this section, shall include the effective date of the particular regulation on one copy thereof, and forward said copy to the commission on official legal publications, which shall publish the regulation in accordance with the provisions of section 4-173.

(1971, P.A. 854, S. 7.)
Cited 165 C. 448, 450, 453.

Sec. 4-173. Publication of compilation of regulations and supplements.

(a) The commission on official legal publications shall publish and distribute all effective regulations adopted by all state agencies subsequent to October 27, 1970, excepting regulations adopted pursuant to subsection (b) of section 4-168. Such publication may be as a supplement to or revision of the most current compilation, and shall be published at least semiannually.

(b) The commission on official legal publications shall in addition cause to be published in the Connecticut Law Journal at least monthly the text of all regulations filed during the preceding month, excluding regulations in effect on January 1, 1972, and regulations adopted pursuant to subsection (b) of section 4-168.

(c) The commission on official legal publications may omit from publications made pursuant to subsections (a) and (b) of this section any regulation the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if the regulation in printed or processed form is made available on application to the adopting agency, and if the commission on official legal publications publishes in both the Connecticut Law Journal and in any publication made pursuant to subsection (a) of this section a notice stating the general subject matter of the omitted regulation and how a copy thereof may be obtained.

(d) Any publication made pursuant to subsections (a) and (b) of this section shall be made available upon request to agencies and officials of this state free of charge, and to other persons at prices fixed by the commission on official legal publications, in accordance with section 51-18.

(1971, P.A. 854, S. 8; P.A. 76-297, S. 4.)

Sec. 4-174. Petition for regulation.

Any interested person may petition an agency requesting the promulgation, amendment, or repeal of a regulation. Each agency shall prescribe by regulation the form for petitions and the procedure for their submission, consideration, and disposition. Within thirty days after submission of a petition, the agency either shall deny the petition in writing stating its reasons for the denials or shall initiate regulation-making proceedings in accordance with section 4-168.

(1971, P.A. 854, S. 9.)
Cited. 32 CS 300.

Sec. 4-175. *Declaratory judgment action to determine validity or applicability of regulation.

The validity or applicability of a regulation or order of an agency may be determined in an action for declaratory judgment brought in the court of common pleas for Hartford county, if the regulation or order, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. A declaratory judgment may not be rendered unless the plaintiff has requested the agency to pass upon the validity or applicability of the regulation or order in question, pursuant to section 4-176, and the agency has either so acted or has declined to exercise its discretion thereunder.

(1971, P.A. 854, S. 10; P.A. 73-620, S. 7, 19.)
***See P.A. 76-436, S. 251 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Jurisdiction under this section which specifically provides for declaratory judgments under the Uniform Administrative Procedure Act depends on whether the plaintiff's rights or privileges have been threatened or impaired. 165 C. 448, 452.

Procedure to challenge regulation. 32 CS 153.

Sec. 4-176. Declaratory rulings.

Each agency may, in its discretion, issue declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the agency, and each agency shall provide by regulation for the filing and prompt disposition of petitions seeking such rulings. If the agency fails to exercise its discretion to issue such a ruling, such failure shall be deemed a sufficient request by the plaintiff for the purposes of section 4-175. Rulings disposing of petitions have the same status as agency decisions or orders in contested cases.

(1971, P.A. 854, S. 11; P.A. 73-620, S. 8, 19.)

Challenge to regulation should begin with petition under this section. Adverse ruling is appealable under section 4-183 and failure to issue ruling permits action under section 4-175. 32 CS 153.

Sec. 4-177. Contested cases. Notice. Record.

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) The record in a contested case shall include: (1) All pleadings, motions and intermediate rulings; (2) evidence received or considered; (3) questions and offers of proof, objections and rulings thereon; (4) any decision, opinion or report by the officer presiding at the hearing.

(f) Oral proceedings or any part thereof shall be transcribed on request of any party. The requesting party shall pay accordingly, the cost of such transcript or part thereof.

(g) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(1971, P.A. 854, S. 12; P.A. 73-620, S. 9, 10, 19.)

Administrative adjudication of no refund, not contested case. 30 CS 118. Cited. 30 CS 120.

Subsec. (a):

Notice of hearing under Sec. 10-151(b) which did not include two of the charges against the teacher held insufficient. 167 C. 368, 371.

Subsec. (b):

Notice of hearing under Sec. 10-151(b) which did not include two of the charges against the teacher held insufficient. 167 C. 368, 371. Subsec. (4). Notice which failed to include several charges in "matters asserted" was prejudicial violation of this subsection. 167 C. 368.

Subsec. (g):

Findings of fact must be based on matters "officially noticed" as well as on the evidence. 167 C. 368.

Sec. 4-178. Evidence in contested cases.

In contested cases: (1) Any oral or documentary evidence may be received, but the agency shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Agencies shall give effect to the rules of privilege recognized by law. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (2) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original; (3) a party may conduct cross-examinations required for a full and true disclosure of the facts; (4) notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(1971, P.A. 854, S. 13; P.A. 73-620, S. 11, 19.)

Evidence concerning charges not included in notice to teacher re hearing under Sec. 10-151(b) is irrelevant. 167 C. 368, 371. Having decided to proceed without counsel, plaintiff cannot claim he was prejudiced by admission of evidence to which he did not object. 168 C. 94. Cited. 168 C. 435.

Subsec. (4):

Notice requirements are to protect parties from surprising and unexpected material or evidence. Previous findings of insurance commissioner in same matter not prejudicial. 32 CS 257.

Sec. 4-179. Proposal for decision. Procedure. Waiver.

When in a contested case a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties by written stipulation may waive compliance with this section.

(1971, P.A. 854, S. 14.)

Sec. 4-180. Final decision to be rendered within ninety days. Application to court upon agency failure. Decision to be in writing and parties notified.

(a) Each agency shall proceed with reasonable dispatch to conclude any matter pending before it and shall render a final decision in all contested cases within ninety days following the close of evidence and filing of briefs in such proceedings.

(b) If any agency fails to comply with the provisions of subsection (a) of this section in any contested case, any party thereto or any interested person may apply to the court of common pleas for Hartford county for an order requiring the agency to render a decision forthwith, after hearing, the court shall issue such order unless the agency establishes to the satisfaction of the court reasonable cause for such failure.

(c) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

(1971. P.A. 854. S. 15; P.A. 73-620. S. 17. 19; P.A. 75-529. S. 3. 4.)

Failure to comply with former section requirements in sending plaintiff notice of final decision did not render defendant's action void. 168 C. 94.

Sec. 4-181. Communications between agency members and employees and parties in contested cases.

Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member may communicate with other members of the agency, and may have the aid and advice of one or more personal assistants.

(1971. P.A. 854. S. 16.)
Cited. 168 C. 435.

Sec. 4-182. Matters involving licenses.

(a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(1971. P.A. 854. S. 17.)

Sec. 4-183. *Judicial review. Waiver of costs.

(a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review under this chapter, provided, in case of conflict between this chapter and federal statutes or regulations relating to limitations of periods of time, procedures for filing appeals or jurisdiction or venue of any court or tribunal, such federal provisions shall prevail. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief or trial de novo provided by law. A preliminary, procedural or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(b) Proceedings for review shall be instituted by filing a petition in the court of common pleas in the county wherein the aggrieved person resides within thirty days after mailing of the notice of the final decision of the agency or, if a rehearing is requested, within thirty days after the decision thereon. Copies of the petition shall be served upon the agency and all parties of record.

(c) The filing of the petition does not of itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

(d) Within thirty days after the service of the petition, or within such further time as may be allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(f) The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(g) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: (1) In violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(h) In any case in which an aggrieved party claims that he cannot pay the costs of an appeal under this section and will thereby be deprived of a right to which he is entitled, he shall, within the time permitted for filing the appeal, file with the clerk of the court to which the appeal is to be taken an application for waiver of payment of such fees, costs and necessary expenses, including the requirements of bond, if any. The application shall conform to the requirements of section 28A of the Practice Book.

After such hearing as the court determines is necessary, the court shall enter its judgment on the application, which judgment shall contain a statement of the facts the court has found, with its conclusions thereon. The filing of the application for the waiver shall tell the time limits for the filing of an appeal until such time as a judgment on such application is entered.

(1971, P.A. 854, S. 18; P.A. 73-620, S. 12--14, 18, 19.)

***See P.A. 78-436, S. 252 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Cited. 168 C. 413. Cited. 168 C. 435.

Cited. 30 CS 118, 259. Trial de novo on appeal, discretionary. Id., 262. Cited. Id., 309. Appeal from administrative agency not civil action. Id., 333. Cited. 31 CS 15,22. Exhaustion requirement was accepted rule before enactment of chapter. 31 CS 65. Secs. 16-35 and 16-39 are the "other means of review, redress, relief or trial de novo" as contained in subsection(a). Id. The time and method for an appeal pursuant to this section from an administrative agency are mandatory and jurisdictional. 31 CS 186. Cited. 31 CS 212. Cited. 32 CS 104, 108. Challenge to regulation should follow statutory procedure, commencing under sec. 4-176. Court should not grant injunction in lieu of this procedure. 32 CS 153. Cited. 32 CS 300.

Subsec. (b):

Section requires only that a copy of the appeal be served on parties of record at a Blue Cross rate hearing before the insurance commissioner, not that they be made parties. 31 CS 257. Appeals under this section and section 33-167 are heard and decided together. Id. Cited. 31 CS 456.

Subsec: (g):

Hearing in which teacher did not have notice of all charges brought against her held in violation of chapter 54. 167 C. 368. The court cannot substitute its discretion for that legally vested in the commission, but determines on the record whether there is a logical and rational basis for the decision of the commission or whether, in the light of the evidence, it has acted illegally or in abuse of its discretion. 168 C. 294. Cited. 168 C. 504. Although the commissioner acts in a quasi-judicial capacity, his function is that of an administrative agency and conclusions reached by him are upheld if legally supported by evidence. 168 C. 587.

Court, on examining record of Blue Cross rate hearing, affirms insurance commissioner's modification of rate schedules as there is sufficient evidence to support his judgement. 31 CS 257. Where the finding of facts and the record did not disclose evidence of sufficient probative force to establish violation of section 14-222, the commissioner's conclusion of law was erroneous. 31 CS 325.

Sec. 4-184. *Appeal to supreme court.

An aggrieved party may obtain a review of any final judgment of the court of common pleas under this chapter by appeal to the supreme court. The appeal shall be taken as in other civil cases.

(1971, P.A. 854, S. 19.)

***See P.A. 78-436, S. 475 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 4-185. Application of chapter.

Except as to proceedings pending on January 1, 1972, this chapter applies to all agencies and agency proceedings not expressly exempted.

(1971, P.A. 854, S. 21.)

Sec. 4-185a. Validation of certain actions.

Notwithstanding the provisions of this chapter no decision or order by an agency in a contested case and no agency regulation, or amendment or repeal of an agency regulation, shall be held invalid or deemed ineffective solely because of the agency's failure to comply with any requirement of sections 4-167, 4-168, 4-177 or 4-178. This provision shall apply to all agency actions taken between January 1, 1972, and June 11, 1973, it being the intent of this section, first, to provide additional time to agencies, as defined in section 4-166, to adopt rules of practice and other necessary regulations, and to conduct hearings in contested cases, in accordance with this chapter; and, second, to validate the enumerated activities of state agencies during said period. Nothing contained in this section shall validate actions taken by agencies which are invalid under provisions of this chapter other than sections 4-167, 4-168, 4-177 and 4-178, or invalid under provisions of other state or federal law, nor shall this section be deemed to validate actions by state agencies taken after July 1, 1973, which are invalid under any provision of this chapter.

(P.A. 73-620, S. 16, 19.)

The legislature may cure by subsequent legislation nonobservance of requirements provided no vested rights have intervened. 165 C. 448, 455.

Sec. 4-186. Exemption of unemployment compensation appeals.

Appeals from the decisions of the administrator of the unemployment compensation act, and appeals from the unemployment commissioners to the courts, as is provided in chapter 567 are excepted from the provisions of this chapter.

(1972, P.A. 293, S. 1.)
Cited. 168 C. 504.

Sec. 4-187. Unemployment compensation, employment security and manpower appeals.

In the case of conflict between the provisions of this chapter and chapter 567 and statutes relating to limitations of periods of time, procedures for filing appeals, or jurisdiction or venue of any court or tribunal governing unemployment compensation, employment security or manpower appeals, the provisions of the law governing unemployment compensation, employment security and manpower appeals shall prevail.

(1972, P.A. 293, S. 2.)
Cited. 168 C. 504.

Sec. 4-188. Employment security division and the board of mediation and arbitration exempt.

The employment security division and the board of mediation and arbitration of the state labor department are exempt from the provisions of sections 4-177 to 4-183, inclusive.

(1972, P.A. 293, S. 3; P.A. 75-557.)
Cited. 168 C. 504.

Sec. 4-188a. Requirements for exemption of constituent units of state system of higher education.

The provisions of this chapter shall not apply to the constituent units of the state system of higher education, provided the board of trustees for each such constituent unit shall (a) after providing a reasonable opportunity for interested persons to present their views, promulgate written statements of policy concerning personnel policies and student discipline, which shall be made available to members of the public, and (b) in cases of dismissal of tenured, unclassified employees, dismissal of non-tenured, unclassified employees prior to the end of their appointment, and dismissal or suspension of a student for disciplinary reasons, promulgate procedures which shall provide (1) written notice to affected persons of the reasons for the proposed action; (2) a statement that the affected person is entitled to a hearing if he so requests; and (3) a written decision following the hearing.

(P.A. 75-529, S. 1, 4.)
State system of higher education exempted from this chapter. 32 CS 153.

Sec. 4-189. Repeal of inconsistent sections.

Any provisions in the general statutes which are inconsistent with the provisions of this chapter are repealed, provided nothing contained in this section shall be deemed to repeal provisions in the general statutes which provide for the confidentiality of records.

(P.A. 73-620, S. 15, 19.)
Cited. 168 C. 435. Cited. 168 C. 504.
Secs. 16-35 to 16-39, inclusive, not repealed by this section. 31 CS 65.

CHAPTER 55

PERSONAL DATA

(Effective July 1, 1977.)

Sec. 4-190. Definitions.

As used in this chapter:

(a) "Agency" means each state board, commission, department or officer, other than the legislature, courts, governor, lieutenant governor, attorney general or town or regional boards of education, which maintains a personal data system.

(b) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under this chapter.

(c) "Authorized representative" means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under this chapter.

(d) "Automated personal data system" means a personal data system in which data is stored, in whole or part, in a computer or in computer accessible files.

(e) "Computer accessible files" means files which contain personal data recorded on magnetic tape, magnetic film, magnetic disks, magnetic drums, punch cards or optically scanable paper or film.

(f) "Maintain" means collect, maintain, use or disseminate.

(g) "Manual personal data system" means a personal data system other than an automated personal data system.

(h) "Person" means an individual of any age concerning whom personal data is maintained in a personal data system, or a person's attorney or authorized representative.

(i) "Personal data" means any information about a person's education, finances, medical or emotional condition or history, criminal history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. "Personal data" shall not be construed to make available to a person any record described in subdivision (2) of subsection (b) of section 1-19.

(j) "Personal data system" means a collection of records containing personal data.

(P.A. 76-421, S. 1, 9.)

Sec. 4-191. Disclosure of personal data prohibited.

No agency or any of its employees shall disclose or transmit any personal data to any other individual, corporation or municipal, state or federal agency without the consent of the person, except as provided in section 4-192.

(P.A. 76-421, S. 2, 9.)

Sec. 4-192. When personal data may be disclosed without permission.

Consent of the person shall not be required for the disclosure or transmission of personal data when:

(a) The disclosure or transmission is to an employee of the agency who has a need for the personal data in the performance of his duties;

(b) The agency determines that there is substantial risk of imminent physical injury by the person to himself or to others, and that disclosure or transmission of the personal data is necessary to reduce that risk;

(c) Disclosure or transmission without consent is otherwise authorized by statute;

(d) Such transmission or disclosure is made pursuant to a subpoena, order of court or other judicial process.

(P.A. 76-421, S. 3, 9.)

Sec. 4-193. Agency's duties re personal data.

Each agency shall:

(a) Inform each of its employees who operates or maintains a personal data system or who has access to personal data, of the provisions of this act, of the agency's regulations promulgated pursuant to section 4-196, and of any other state or federal statute or regulation concerning maintenance or disclosure of personal data kept by the agency;

(b) Take reasonable precautions to protect personal data from dangers of fire, theft, flood, natural disaster, or other physical threats;

(c) Keep a complete record, concerning each person, of every individual, agency or organization who has obtained access to or to whom disclosure has been made of personal data pursuant to subsection (b) and (c) of section 4-192, and the reason for each such disclosure or access:

(d) Make available to a person, upon request, the record kept under subsection (c) of this section;

(e) Maintain only that information about a person which is relevant and necessary to accomplish the lawful purposes of the agency;

(f) Inform an individual in writing, upon request, whether the agency maintains personal data concerning him;

(g) Except as otherwise provided in section 4-194, disclose to a person, upon request, all personal data concerning him which is maintained by the agency. If disclosure of personal data is made under this subsection, the agency shall not disclose any personal data concerning persons other than the requesting person;

(h) Establish procedures which:

(1) Allow a person to contest the accuracy, completeness or relevancy of his personal data;

(2) Allow personal data to be corrected upon request of a person when the agency concurs in the proposed correction;

(3) Allow a person who believes that the agency maintains inaccurate or incomplete personal data concerning him to add a statement to the record setting forth what he believes to be an accurate or complete version of that personal data. Such a statement shall become a permanent part of the agency's personal data system, and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(P.A. 76-421, S. 4, 9.)

Sec. 4-194. Refusal to disclose. Judicial relief.

If an agency determines that disclosure to a person of medical, psychiatric or psychological data concerning him would be detrimental to that person, or that nondisclosure to a person of personal data concerning him is otherwise permitted or required by law, the agency may refuse to disclose that personal data, and shall refuse disclosure where required by law. In either case, the agency shall advise that person of his right to seek judicial relief.

(P.A. 76-421, S. 5, 9.)

Sec. 4-195. Petition to the court for failure to disclose.

If disclosure of personal data is refused by an agency under section 4-194, any person aggrieved thereby may, within thirty days of such refusal, petition the court of common pleas for the county or judicial district in which he resides for an order requiring the agency to disclose the personal data. Such a proceeding shall be privileged with respect to assignment for trial. The court, after hearing and an in camera review of the personal data in question, shall issue the order requested unless it determines that such disclosure would be detrimental to the person or is otherwise prohibited by law.

(P.A. 76-421, S. 6, 9.)

Sec. 4-196. Agencies to adopt regulations.

Each agency shall, within six months of July 1, 1977, adopt regulations pursuant to chapter 54 which describe:

(1) The general nature and purpose of the agency's personal data systems;

(2) The categories of personal and other data kept in the agency's personal data systems;

(3) The agency's procedures regarding the maintenance of personal data;

(4) The uses to be made of the personal data maintained by the agency.

(P.A. 76-421, S. 7, 9.)

Sec. 4-197. Action against agency for violation of chapter.

Any agency which violates any provision of this chapter shall be subject to an action by any aggrieved person for injunction, declaratory judgment, mandamus or a civil action for damages. Such action may be brought in the superior court for Hartford county, or for the county or judicial district in which the person resides. Actions for injunction, declaratory judgment or mandamus under this section may be prosecuted by any aggrieved person or by the attorney general in the name of the state upon his own complaint or upon the complaint of any individual. Any aggrieved person who prevails in an action under this section shall be entitled to recover court costs and reasonable attorney's fees. An action under this section shall be privileged with respect to assignment for trial.

(P.A. 76-421, S. 8, 9.)

Sec. 5-266. Political activity.

Section 5-266 is repealed.

(1967, P.A. 657, S. 72; 1971, P.A. 103, S. 5.)

Sec. 7-107. Vacancy appointments by selectmen.

Except as otherwise provided by law, if any vacancy occurs on any town board or commission, and such board or commission has power by law to fill such vacancy but fails to do so within thirty days after it occurs, the board of selectmen or chief executive authority of such town may appoint a qualified person to fill such vacancy until the next municipal election.

(1953, S. 258d.)
See Sec. 9-167a.
Cited. 149 C. 78.
Cited. 19 CS 318.

Sec. 7-193. Required provisions.

Any charter adopted under the provisions of this chapter shall conform to the following requirements.

(a) The town, city or borough shall have a legislative body, which may be: (1) a town meeting; (2) a representative town meeting; (3) a board of selectmen, council, board of directors, board of aldermen or board of burgesses; or (4) a combination of a town meeting or representative town meeting and one of the bodies listed in subdivision (3). In any combination, the body having the greater number of members shall have the power to adopt the annual budget and shall have such other powers as the charter prescribes, and the body having the lesser number of members shall have the power to adopt, amend and repeal ordinances, subject to any limitations imposed by the general statutes or by the charter. The number of members in any elective legislative body, the terms of office of such members and the method by which they are elected shall be prescribed by the charter.

(b) The town, city or borough shall have a chief executive officer, who may be one of the following: (1) The first selectman; (2) a chief administrative officer appointed by the board of selectmen; (3) a mayor elected by the electors of the town, city or borough; (4) a warden elected by the electors of the borough; (5) a town, city or borough manager appointed by the board of selectmen, the council, the board of directors, the board of aldermen or the board of burgesses; (6) a chief administrative officer appointed by the mayor. Any town, city or borough having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be the ceremonial head of such town, city or borough and shall have such other powers and duties as the charter prescribes. The powers, duties and term of office of the chief executive officer shall be those prescribed by the general statutes and he shall have such other powers and duties as the charter prescribes. Every town, city or borough shall have such other town, city or borough officers, departments, boards, commissions and agencies as are provided by the general statutes or by the charter. Such officers, boards, commissions and agencies shall be elected or appointed in the manner provided by the general statutes unless otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter.

(1957, P.A. 465, S. 7; P.A. 76-296, S. 1.)

Sec. 7-194. Powers.

Subject to the provisions of section 7-192, all towns, cities or boroughs which have a charter or which adopt or amend a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the constitution and general statutes: (1) To contract and to be contracted with, to sue and be sued and to institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction; (2) to make, have and use and, from time to time, to alter a common seal; (3) to take, purchase, hold, condemn, lease, sell and convey such real and personal property as the purposes of the town, city or borough require; (4) to provide for the authentication, execution and delivery of deeds, grants and releases of town, city or borough property and evidences of debt issued by the town, city or borough; (5) to take by gift, grant, including any grant from the United States or the state of Connecticut, bequest and devise and to hold real and personal estate absolutely or in trust for any public use, including that of education, art, ornament, health, charity or amusement, for cemeteries, parks or gardens, or for the erection or maintenance of statues, monuments, buildings or structures, upon such terms or conditions as are prescribed by the grantor or donor and accepted by the town, city or borough and to provide for the proper administration of the same; (6) to manage, regulate and control the finances and property, real and personal, of the town, city or borough and to regulate and provide for the sale, conveyance, transfer and release of town, city or borough property and to provide for the execution of contracts and evidences of indebtedness issued by the town, city or borough; (7) to provide public entertainments and amusements for the people of the town, city or borough; (8) to lay out, construct, reconstruct, alter, maintain, repair, control and operate streets, alleys, boulevards, bridges, underpasses, sidewalks, curbs, gutters, public walks, garbage and refuse disposal facilities, cemeteries, parks, parkways, playgrounds, playfields, field houses, recreation centers, swimming pools, bath houses, public beaches and beach facilities, markets, comfort stations, hospitals, clinics, institutions for children and aged, infirm and chronically ill persons, parking lots and other off-street parking facilities, bus terminals and airports and their accessories, docks, wharves, school houses, libraries and any and all buildings necessary or convenient for carrying on the government of the town, city or borough; (9) to create, provide for, construct, regulate and maintain all things in the nature of public works and improvements; (10) to enter into or upon any land for the purpose of making necessary surveys or mapping in connection with any public improvement and to take by eminent domain any lands, rights, easements, privileges, franchises or structures which are necessary for the purpose of establishing, constructing or maintaining any public work, or for any municipal purpose, in the manner prescribed by the general statutes; (11) to lay out, construct, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants; (12) to provide for lighting the streets, highways and other public places of the town, city or borough and for the care and preservation of public lamps and lamp posts and fixtures; (13) to provide for the planting, rearing and preserving of shade and ornamental trees on the streets and public grounds; (14) to provide for and regulate the collection and disposal of all garbage, trash, waste and ashes, either by contract or otherwise, and prohibit and regulate the depositing of the same within the town, city or borough; (15) to keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in said town, city or borough; (16) to require owners or occupants of land adjacent to any sidewalk or public work to remove snow, ice, sleet, debris or any other obstruction therefrom, to provide penalties upon their failure to do so and to cause such snow, ice, sleet, debris or other obstruction to be removed and to make the cost of such removal a lien on such property; (17) to regulate and prohibit the excavation, altering, use or opening of streets, sidewalks, highways, public places and grounds for public and private purposes and the location of any work or things thereon, whether temporary or permanent, upon or under the surface thereof; (18) to regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the town, city or borough; (19) to prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the town, city or borough or into sanitary sewers; (20) to keep the streets, sidewalks and public places free from undue noises and nuisances and prohibit loitering thereon; (21) to regulate and prohibit, in a manner not inconsistent with the general statutes, the operation of vehicles on streets and highways; (22) to regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles and of animals, and the driving or leading of animals through the streets; (23) to permit, regulate and prohibit games, coasting, sliding and, subject to the provisions of the general statutes, the use of velocipedes, bicycles and tricycles, on the streets or sidewalks of the town, city or borough; (24) to provide for the policing of the town, city or borough and to regulate and prescribe the duties of the police force in respect to criminal matters within the limits of the town, city or borough and to maintain and regulate a suitable place of detention within the town, city or borough limits for the safekeeping of all persons arrested and awaiting trial; (25) to preserve the public peace and good order, to prevent and quell riots and disorderly assemblages and to prevent disturbing noises; (26) to make and enforce police, sanitary and other similar regulations and to protect or promote the peace, safety, good government and welfare of the town, city or borough and its inhabitants; (27) to prevent trespassing on public and private lands and in buildings in said town, city or borough; (28) to secure the safety of persons passing through or in the town, city or borough by the regulation of shows, parades, processions and music; (29) to define, prohibit and abate within the town, city or borough all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and to cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists; (30) to prevent vice and suppress gambling houses, houses of ill fame and disorderly houses; (31) to prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played; (32) to regulate and prohibit swimming or bathing in the public or exposed places within the town, city or borough; (33) to regulate and prohibit the going at large of dogs and other animals in the streets and public places of the town, city or borough and to prevent cruelty to animals and all inhuman sports; (34) subject to the provisions of the general statutes, to prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers; (35) to regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the town, city or borough; (36) to regulate and prohibit the keeping of swine, cattle, poultry and other animals within the town, city or borough limits or portions thereof; (37) to regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the town, city or borough; (38) to establish lines beyond which no building, steps, stoop, veranda, billboard, advertising sign or device or other structure or obstruction may be erected; (39) to regulate and prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the town, city or borough; (40) to regulate and prohibit the carrying on within the town, city or borough of any trade, manufacture, business or profession which is or may be so carried on as to become prejudicial to public health, conducive to fraud and cheating or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity; (41) repealed; (42) to regulate and prohibit the moving of buildings upon or through the streets or other public places of the town, city or borough and to cause the removal and demolition of unsafe buildings or structures; (43) to provide, organize, maintain and regulate a fire department, provide the necessary apparatus for extinguishing fires and do all other things necessary or desirable to protect the town, city or borough from fire; (44) to provide for the health of the inhabitants of the town, city or borough and to do all things necessary or desirable to secure and promote the public health; (45) to regulate and prohibit the construction or use and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses; (46) to regulate the removing of any offensive manure or other substance or dead animals through the streets of the town, city or borough and to provide for the disposal of the same; (47) to preserve and care for public burial grounds and regulate the burial or disposal of the dead; (48) to regulate the emission of smoke from any chimney, smokestack or other source within the limits of the town, city or borough and provide for proper heating of buildings within the town, city or borough; (49) to require any officer or employee of the town, city or borough to furnish a bond or undertaking conditioned upon honesty or faithful performance of duty and to determine the amount, form and sufficiency of the sureties thereof; (50) to prescribe the salaries, compensation and hours of employment of all officers and employees of the town, city or borough and the duties of such officers and employees not expressly defined by law; (51) when not specifically prescribed by law or in the charter, to prescribe the form of proceedings and mode of assessing benefits and appraising damages in taking land for public use, or in making public improvements to be paid for in whole or in part by special assessments, and to prescribe the time when and the manner in which all benefits assessed shall be collected; (52) to assess, levy and collect taxes for general or special purposes on all property, subjects or objects which may be lawfully taxed and to regulate the mode of assessment and collection of taxes and assessments not otherwise provided for; (53) to regulate the method of borrowing money for any purpose for which taxes may be levied and to borrow on the faith and credit of the town, city or borough for such general or special purposes and to such extent as is authorized by law; (54) to make appropriations for the support of the town, city or borough government and to pay its debts; (55) to make appropriations for the purpose of meeting a public emergency threatening the lives, health or property of citizens, provided such appropriations shall require a favorable vote of at least two-thirds of the entire membership of the legislative body or, when the legislative body is the town meeting, at least two-thirds of those present and voting; (56) to establish pension systems for the officers and employees of the town, city or borough and to establish a system of qualifications for the tenure in office of such officers and employees, provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated; (57) to make all lawful regulations and orders in furtherance of any of said powers and to prescribe penalties for the violation of the same not to exceed one hundred dollars unless otherwise specifically provided by law; (58) to establish a merit system or civil

service system for the selection and promotion of public officials and employees. Nothing in this subsection shall be construed to validate any merit system or civil service system established prior to May 24, 1972; (59) to lease real property or any interest therein, as lessee or lessor, for such term or any extensions thereof and upon such other terms and conditions as have been approved by the town, city or borough including without limitation the power to bind itself to appropriate funds as necessary to meet rent and other obligations as provided in any such lease.

(1957, P.A. 465, S. 8; 1961, P.A. 490; 517, S. 89; 1967, P.A. 19; 1971, P.A. 802, S. 12; 1972, P.A. 279, S. 1, 2; P.A. 75-516, S. 1, 2.)

Cited. 147 C. 60. Where charter points out particular way in which act is to be done, prescribed form must be pursued for act to be lawful. 147 C. 401. If charter of city grants, in general terms, power to take any land necessary to layout of highways, it is to be presumed, in absnece of express words or necessary implication to the contrary, that it was not intended land already appropriated to one public use should be taken for another. 147 C. 478. Language in charters varies so that cases involving construction of some charters are not authoritative in determining power under others. 148 C. 233. Subdiv.(44). New Haven and Hamden ordinances requiring private water company, which also served eleven other towns, to fluoridate the water it supplied them held invalid. 152 C. 563, 566. Court held ordinances attempted to regulate public service company, and were in conflict with state policy. Id. Ability of board of education to perform its statutory duties not destroyed by requirement that it select nonprofessional employees under civil service requirements of charter. Id., 568. Subdiv. (56). Cited. 152 C. 422. A town, as a creature of the state, can exercise only such powers as are expressly granted to it, or such powers as are necessary to enable it to discharge the duties and carry into effect the objects and purposes of its creation. 153 C. 236. Subdivs.(8) and (14). Regulation and disposal of refuse and garbage is town power and refuse disposal operation is not a nuisance where not made in arbitrary or unreasonable manner. 156 C. 304. Subdivs. (26), (29) and (41). Cited. 158 C. 100. Cited. 162 C. 497.

Omission of zoning powers from enumeration of specific powers granted towns under this statute compels conclusion that legislature did not intend that any action under this chapter should alter the declared law under the general zoning enabling act. 25 CS 378, 379. Cited. 31 CS 447.

Sec. 7-348. Towns not to contract in excess of appropriations. Town meeting to increase amount.

No officer of such town shall expend or enter into any contract by which the town shall become liable for any sum which, with any contract then in force, shall exceed the appropriation for the department, except in cases of necessity connected with the repair of highways, bridges, sidewalks and water and sewer systems and the care of the town poor, and then not more than one thousand dollars. If any occasion arises whereby more money is needed for any department of the town than has been appropriated as provided for in this chapter, the selectmen shall notify the board of finance of such fact, and the chairman of such board shall forthwith call a meeting thereof to consider the appropriation for such department and the board may make the necessary appropriation therefor, after inquiry, but, if, in towns where the grand list is not more than twenty million dollars, the amount required or the amount required, together with the sum of any additional appropriations made by the board for such department within the same fiscal year, exceeds two thousand five hundred dollars, or, in towns where the grand list exceeds twenty million dollars, if the amount required or the amount required, together with the sum of any such additional appropriations, exceeds five thousand dollars, such appropriation shall not be made until, upon the recommendation of the board, the same has been voted by the town at a meeting called for such purpose, provided no more than one such additional appropriation for any one department shall be made in one year without town meeting approval, and provided the board may make additional appropriations for the care of town poor without town meeting approval not exceeding, in the aggregate, two thousand dollars in towns where the grand list does not exceed twenty million dollars or four thousand dollars in towns where the grand list exceeds twenty million dollars. The board may call a public hearing prior to the town meeting at which parties in interest and citizens shall have an opportunity to be heard so that the board may obtain information to assist in making its recommendations. The amount required for such appropriation may be drawn either from any cash surplus available or from any contingent fund established as hereinafter provided. If no cash surplus exists and no funds are available in the contingent fund, such appropriation may be financed by borrowing, and the amount of such borrowing shall be included in and made a part of the next tax levied. The estimate of expenditures submitted by the board of finance to the annual town meeting or annual budget meeting may include a recommended appropriation for a contingent fund in an amount not to exceed two per cent of the total estimated expenditures for the current fiscal year. No expenditure or transfer shall be made from the contingent fund until such expenditure or transfer has been approved by the board of finance. The provisions of this chapter shall not be a limitation upon the town in issuing bonds under the provisions of law or expending the proceeds thereof in accordance with the vote of such town nor shall such provisions be a limitation upon the settlement of claims or judgments against the town under the provisions of law.

(1949 Rev., S. 780; 1953, 1955, S. 360d; 1961, P.A. 409; 1963, P.A. 428; 1967, P.A. 172; P.A. 74-66.)

See Sec. 4-100.

When town liable under contract though amount exceeds unexpended balance of appropriation. 111 C. 510. Board of finance cannot place funds for school purposes in general government budget to be paid to school board on happening of certain contingencies. 151 C. 1.

Authority of court to grant permanent injunction for restricting an appropriation during fiscal year. 11 CS 215. Where town within borough required to pay borough cost of repairing and maintaining roads within town, fact that no appropriation was made in annual budget of the town for this purpose is not a valid defense. 20 CS 309.

Sec. 7-349. Penalty.

Any officer who, in violation of any provision of this chapter, expends or causes to be expended any money of such town, except for the purpose of paying judgments rendered against such town, shall be liable in a civil action in the name of such town, and the amount so drawn from the treasury of such town shall be liquidated damages in such action against any such officer.

(1949 Rev., S. 781.)

Town, by acting specifically upon a matter, divests its officers or agents of power to contract other than in conformity to vote of town. 111 C. 516.

Cited. 11 CS 215.

Sec. 7-374. Bonded indebtedness of municipalities.

(a) **Definitions.** As used in this section, "town" includes each town, consolidated town and city and consolidated town and borough; "municipality" excludes each town and includes each other independent and dependent political and territorial division and subdivision; "grand list" includes, in addition to the local assessed value of the taxable real estate and tangible personal property of each town, the local assessed value of the tax-exempt real estate within such town, except tax-exempt real estate owned by the United States and this state and, in the case of the town of Hartford, except such tax-exempt real estate therein as is owned by Trinity College; in the case of the town of Middletown, except such tax-exempt real estate therein as is owned by Wesleyan University; in the case of the town of New Haven, except such tax-exempt real estate therein as is owned by the Trustees of the Berkeley Divinity School and The President and Fellows of Yale College in New Haven; and, in the case of the town of New London, except such tax-exempt real estate therein as is owned by the board of trustees of Connecticut College for Women; unless the context otherwise requires, "serial bonds" means bonds issued in such a manner as to mature in substantially equal annual instalments, the first instalment of each such series maturing not later than two years, and the last instalment thereof not later than twenty years, from the date of issue, and "nonserial bonds" means all bonds which are not serial bonds.

(b) **Limitations of indebtedness.** No town and no municipality coterminous with or within such town shall incur any indebtedness in any of the following classes through the issuance of bonds which will cause the aggregate indebtedness, in that class, of such town and of all municipalities coterminous with and within such town to exceed, exclusive of the fair market value of bonds, notes and other intangible assets placed in the sinking funds of such town and of such municipalities, the multiple stated below for each class times their annual receipts from taxation for the most recent fiscal year next preceding the date of issue: (1) All debt other than debt for urban renewal projects, sewers and school building projects as defined in section 10-289, two and one-quarter; (2) debt for urban renewal projects, three and one-quarter; (3) debt for sewers, three and three-quarters; (4) debt for school building projects, as defined in section 10-289, four and one-half; (5) total debt including subdivisions (1), (2), (3) and (4) of this subsection, seven. In the computation of annual receipts from taxation, there shall be included as such receipts interest, penalties, late payment of taxes and payments made by the state to such town and to municipalities coterminous with and within such town under sections 12-24a, 12-24c and 12-129d. In computing such aggregate indebtedness, there shall be excluded (i) each bond, note and other evidence of indebtedness issued in anticipation of taxes or issued for the supply of water, for the supply of gas, for the supply of electricity, for the construction of subways for cables, wires and pipes, for the construction of underground conduits for cables, wires and pipes and for two or more of such purposes; (ii) each bond, note or other evidence of indebtedness issued in anticipation of the receipt of proceeds from assessments which have been levied upon property benefited by any public improvement; and (iii) each bond, note or other evidence of indebtedness issued in anticipation of the receipt of proceeds from any state or federal grant for which the town or municipality has received a written commitment or from a contract with the state, a state agency or another municipality providing for the reimbursement of capital costs but only to the extent such indebtedness can be paid from such proceeds. "Urban renewal project," as used in this section, shall include any project authorized under title 8, the bonds for which are not otherwise, by general statute or special act, excluded from the computation of aggregate indebtedness or borrowing capacity.

(c) **Exception.** The provisions of this section shall not apply to the issuance of serial bonds the avails of which shall be used solely for the purpose of refunding outstanding nonserial bonded indebtedness validly incurred by any town or municipality.

(1949 Rev., S. 807; 1949, 1953, 1955, S. 363d; March, 1958, P.A. 8, S. 5; 24, S. 5; 1959, P.A. 218; 1963, P.A. 604, S. 1; February, 1965, P.A. 53, S. 1; 461, S. 6; 574, S. 7; 1969, P.A. 536, S. 1; 584,S. 1; 1971, P.A. 69, S. 1; 1972, P.A. 36, S. 1.)

See Secs. 7-130s, 7-265, 7-374a, 7-375, 10-57.

Under former statute town, city and school district were each separate municipalities within meaning of act. Subdivision did not refer to geographical location. 101 C. 263. Application of present law; meaning of term "consolidated town and city." 107 C. 598. Cited. 121 C. 244; 123 C. 580; 146 C. 697; 148 C. 590.

Sec. 7-378a. Renewal of temporary notes.

Notwithstanding the provisions of sections 7-264 and 7-378 and any other public or special act or charter which limits the renewal of temporary notes issued in anticipation of the receipt of the proceeds of bond issues to two years or any lesser period of time from the date of the original notes, any town, as defined in said section 7-378, may renew temporary notes for a period of not more than four years from the date of the original notes if the legislative body of such town (a) authorizes the inclusion in the annual budget for each year or otherwise appropriates sufficient sums to pay interest on bond anticipation notes and the portion of principal which would have been paid in such year if the entire principal amount of such bonds had been sold within two years from the date of the first borrowing; (b) reduces the principal amount of each bond issue when sold by the amount of principal which would have been paid if such bonds had been issued and sold within two years from the date of the original notes, and provides for the payment of the principal of such bonds in substantially equal annual instalments commencing one year from the date of issue; (c) reduces the maximum authorized term of the bonds when sold by not less than the number of months by which the date of issue exceeds two years from the date of the original notes.

(1967, P.A. 626, S. 1; 1969, P.A. 646.)

CHAPTER 111*

MUNICIPAL AUDITING ACT

*Provisions prevail over later inconsistent home rule charter. 155 C. 163.

Sec. 7-391. Definitions.

When used in this chapter, unless the context otherwise requires, the following terms shall have the meanings herein specified: "Tax commissioner" and "commissioner" mean the state tax commissioner; "municipality" includes each town, consolidated town and city, consolidated town and borough, city and borough; "audited agency" includes each school district, fire district, fire and sewer district, sewer district or other municipal utility, The Metropolitan District of Hartford county, each regional planning agency, housing authority of a municipality, any other political subdivision of similar character which is created and any other agency created or designated by a municipality to act for such municipality; "appointing authority" means the legislative body of a municipality and the board, committee or other governing body of such audited agency; "independent public accountant" means any practicing public accountant or firm of public accountants which has practiced or engaged in public accounting as a regular vocation for a period of at least three years, such public accountant to be independent in fact and not have any connection as an employee or official of the municipality engaging the services of such individual or firm; "municipal utility" means every Connecticut municipality or department or agency thereof, or Connecticut district, manufacturing, selling or distributing gas or electricity to be used for light, heat or power or water.

(1949 Rev., S. 821; 1959, P.A. 152, S. 14; 613, S. 11; P.A. 76-68, S. 1, 7.)

To be budget-making authority person or board must be charged with preparing budget, i.e. instructed to get budget ready beforehand. 155 C. 163.

Sec. 7-392. Making of audits.

All municipalities shall have all their accounts audited at least once annually. Each audited agency shall have all its accounts audited at least once biennially. Such audit shall be made by an independent public accountant, who shall be selected by the appointing authority and who shall be approved by the tax commisssioner. Such approval need not be secured if such independent public accountant performed the audit in such municipality or audited agency for its last-preceding fiscal year or period unless said commissioner has notified such municipality or audited agency that he would not approve such independent public accountant. Any independent public accountant so retained to render such an annual or biennial audit shall have his duties and powers defined by said commissioner; provided any municipality, audited agency or municipality wherein a municipal utility is located whose average annual receipts from property taxation, during the three years preceding, do not exceed seventy-five thousand dollars may request said commissioner to audit its books including those of the utility, instead of employing an independent public accountant; in which event the cost of such audit shall be borne equally by the municipality or audited agency and by the state. Any municipality, audited agency or municipality wherein a municipal utility is located whose average annual receipts from property taxation, during the three years preceding, exceed seventy-five thousand dollars but do not exceed two hundred thousand dollars may request the tax commissioner to audit the books of such municipality or audited agency, including those of the municipal utility instead of employing an independent public accountant; in which event the cost of such audit shall be borne by the municipality or audited agency. Any audit rendered under the provisions of this chapter shall be performed in accordance with standards adopted by the tax commissioner by regulation and approved by the auditors of public accounts.

(1949 Rev., S. 822; 1955, S. 367d; 1957, P.A. 381; 1959, P.A. 217; 1961, P.A. 515; 1972, P.A. 256, S. 1; P.A. 76-68, S. 2, 7.)

Where board of finance designated firm to audit accounts but was not empowered so to do, approval by tax commissioner was invalid. 155 C. 163.

Sec. 7-393. Working papers of accountant; preservation for inspection.

Upon the completion of an audit, the independent public accountant shall file certified copies of the audit report with the appointing authority except where the appointing authority is the town meeting in which case such audit report shall be filed with the chief executive officer of the municipality and, in the case of a town, city or borough, with the clerk of such town, city or borough, and, in the case of a school, sewer or fire district, with the clerk of the town, city or borough in which such school, sewer or fire district is located, and, at the same time, in each case, with the tax commissioner and the auditors of public accounts. Such copies shall be filed within six months from the end of the fiscal year of the municipality or audited agency, but the tax commissioner may grant an extension, upon due cause having been shown, provided the accountant making the audit shall submit a request in writing to the tax commissioner stating the reasons for such extension at least thirty days prior to the end of such six-month period. Said accountant shall preserve all of his working papers employed in the preparation of any such audit until the expiration of two years from the date of filing a certified copy of the audit with the tax commissioner and such working papers shall be available, upon written request and upon reasonable notice from the commissioner, during such time for inspection by the commissioner or his authorized representative, at the office or place of business of the public accountant, during usual business hours. Any public accountant who fails to comply with any of the provisions of this section shall forfeit to the state one-half of the compensation received for performing such audit and shall be barred from the auditing of municipal or audited agency accounts for two years from the date of such failure.

(1949 Rev., S. 823; 1959, P.A. 152, S. 87; P.A. 76-68, S. 3, 7.)

Sec. 7-395. Tax commissioner to review audit report.

The tax commissioner shall review such audit report. If, upon such review or audit, evidences of fraud or embezzlement are found, he shall report such information to the state's attorney for the county in which such municipality or audited agency is located.

(1949 Rev., S. 825; P.A. 76-68, S. 4, 7.)

Sec. 7-396. Designation of auditor.

The appointing authority of any municipality or audited agency shall file with the tax commissioner the name of the independent public accountant, designated to audit such municipality's or audited agency's records, at least thirty days before the end of the fiscal period of such municipality or audited agency for which such audit is required. If any such appointing authority fails to notify the commissioner of such designation before such thirty-day period, said commissioner may appoint an independent public accountant to audit such municipality's or audited agency's accounts for the preceding fiscal year, and the cost and expense of such audit or investigation shall be borne by such municipality or audited agency.

(1949 Rev., S. 826; P.A. 76-68, S. 5, 7.)
Cited. 155 C. 169.

Sec. 7-396a. Audits of public and quasi-public bodies by auditors of public accounts. Audits of agencies receiving state grants.

(a) The accounts of all public and quasi-public bodies, politic and corporate, created by public or special act of the general assembly not subject to audits under the provisions of this chapter shall be subject to audits by the auditors of public accounts.

(b) Any agreement for a state grant entered into between a state agency and a public or private agency shall provide for an audit acceptable to such state agency of any grant expenditures made by such public or private agency and all costs of such audit shall be borne by such public or private agency. The auditors of public accounts shall have access to all records and accounts of such public or private agency for the fiscal year in which such grant is made. A copy of any audit performed under the provisions of this section shall be filed with the auditors of public accounts.

(P.A. 76-68, S. 6, 7.)

Sec. 7-421. Political activities of classified municipal employees.

(a) No person employed in the classified civil service may (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) directly or indirectly coerce attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(b) A person employed in said classified service retains the right to vote as he chooses and to express his opinions on political subjects and candidates and shall be free to participate actively in political management and campaigns. Such activity may include but shall not be limited to, membership and holding of office in a political party, organization or club, campaigning for a candidate in a partisan election by making speeches, writing on behalf of the candidate or soliciting votes in support of or in opposition to a candidate and making contributions of time and money to political parties, committees or other agencies engaged in political action, except that no classified employee shall engage in such activity while on duty or within any period of time during which such employee is expected to perform services for which he receives compensation from the municipality, and no such employee shall utilize municipal funds, supplies, vehicles or facilities to secure support for or oppose any candidate, party, or issue in a political partisan election. Notwithstanding the provisions of this subsection, no person employed in the classified civil service shall be a candidate for elective office in a political partisan election.

(1949 Rev., S. 883; P.A. 76-424, S. 1, 4.)

Sec. 7-421a. Inconsistent statutory or charter provisions.

Notwithstanding any general statute, special act or local law, ordinance or charter to the contrary, the provisions of section 7-421 shall apply to all municipal employees.

(P.A. 76-424, S. 2, 4.)

Sec. 8-24. Municipal improvements.

No municipal agency or legislative body shall locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, locate, relocate, acquire land for, or abandon, sell or lease, any airport, park, playground, school or other municipally owned property or public building, extend or locate any public housing project or redevelop, recondition or improve any specific area, or take action on any proposal involving the extent and location of public utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. The failure of the commission to report within thirty-five days after the date of official submission to it shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality only after (a) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (b) by a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be.

(1949 Rev., S. 857; 1959, P.A. 679, S. 5; 1963, P.A. 617; 1971, P.A. 862, S. 7.)

Cited. 148 C. 517; 149 C. 719; 153 C. 194. Rezoning of an area approved by zoning commission but opposed by planning commission, reversed by courts where "transportation, water and sewerage" was lacking as planning commission could refuse approval also of new facilities for area. 154 C. 202, 210. Only two acts of planning board are binding without further action by other municipal agencies; designation of and assessments for municipal improvements and action on subdivision plan. 159 C. 1. Cited. 159 C. 423; 160 C. 295.

Sec. 9-167a. Minority representation.

(a) The maximum number of members of any board, commission, committee or similar body of the state or any political subdivision thereof, whether elective or appointive, except any such board, commission, committee or body whose members are elected on the basis of a geographical division of the state or such political subdivision, who may be members of the same political party shall be as specified in the following table:

COLUMN I	COLUMN II
Total Membership	Maximum from one Party
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

(b) Prior to any election for or appointment to any such body, the town clerk, in cases of elections, and the appointing authority, in cases of appointments, shall determine the maximum number of members of any political party who may be elected or appointed to such body at such election or appointment. Such maximum number shall be determined for each political party in the following manner: From the number of members of one political party who are members of such body at the time of the election or appointment, subtract the number of members of such political party whose terms expire prior to the commencement of the terms for which such election or appointment is being held or made and subtract the balance thus arrived at from the appropriate number specified in column II of subsection (a) of this section.

(c) In the case of any election to any such body the winner or winners shall be determined as under existing law with the following exception: The town clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected without regard to this section exceeds the maximum number as determined under subsection (b) of this section, only the candidates of such political party with the highest number of votes up to the limit of such maximum shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidates shall be elected up to the number of places to be filled at such election.

(d) If an unexpired portion of a term is to be filled at the same time as a full term, the unexpired term shall be deemed to be filled before the full term for purposes of applying this section. At such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member.

(e) Nothing in this section shall be construed to repeal, modify or prohibit enactment of any general or special act or charter which provides for a greater degree of minority representation than is provided by this section.

(f) Nothing in this section shall deprive any person who is a member of any such body on July 1, 1960, of the right to remain as a member until the expiration of his term.

(g) For the purposes of this section, a person shall be deemed to be a member of the political party on whose enrolment list his name appears on the date of his appointment to, or of his nomination as a candidate for election to, any office specified in subsection (a) of this section, provided any person who has applied for erasure or transfer of his name from an enrolment list shall be considered a member of the party from whose list he has so applied for erasure or transfer for a period of six months from the date of the filing of such application and provided further any person whose candidacy for election to an office is solely as the candidate of a party other than the party with which he is enrolled shall be deemed to be a member of the party of which he is such candidate.

(1959, P.A. 665; 1963, P.A. 592; P.A. 76-173, S. 1.)

See Secs. 9-188, 9-190, 9-197, 9-199, 9-200, 9-204, 9-252.

This section not applicable to New Haven aldermanic election of 1967 as this was a sui generis election, a creature of the United States district court, not subject to ordinary state election law procedure. 298 F.S. 871.

Statute applies to board of tax review of city of Hartford. 154 C. 237. Second taxing district of city of Norwalk held to be a political subdivision of the state and subject to the provisions of this section. 155 C. 256. Definition of "political subdivision" discussed. Id. Applicability of this statute to a November, 1967, election of the board of aldermen of New Haven held under the direction of the United States District court for the district of Connecticut raised by a complaint of candidates in a case brought pursuant to section 9-328. Held the New Haven aldermanic election of November, 1967, is solely a creature of the United States district court and what candidates were elected is that court's prerogative to determine, especially as it has retained jurisdiction to decide this question. 156 C. 253. Cited. 168 C. 160.

The effect of subsection (d) is that an appointment of a member of the same political party as that of the vacating member need not be made unless not to make it would cause the maximum number of members on the board permitted to any one party under the statute to be exceeded. 25 CS 444. Applies to board of selectmen of city of New London. The one man one vote rule does not apply to election of purely administrative body such as board of selectmen. 28 CS 403. Cited. 30 CS 74. Elected non-enrollee considered party member in light of minority representation rule. 30 CS 74.

Sec. 9-185. Municipal officers.

Unless otherwise provided by special act or charter, assessors, members of boards of tax review, selectmen, town clerks, town treasurers, agents of the town deposit fund, collectors of taxes, constables, registrars of voters, members of boards of education and library directors shall be elected, provided any town may, by ordinance, provide for the appointment, by its chief executive authority, of a constable or constables in lieu of constables to be elected under section 9-200. Unless otherwise provided by special act or charter, all other town officers shall be appointed as provided by law and, if no other provision for their appointment is made by law, then by the chief executive officer of such municipality, except that, if a board of finance is established under the provisions of section 7-340, the members thereof shall be elected as provided in section 9-202 and except that assessors may be elected or appointed under the provisions of section 9-198. Any town may, by a vote of its legislative body, determine the number of its officers and prescribe the mode by which they shall be voted for at subsequent elections.

(1949 Rev., S. 513; 1951, S. 105b; 1953, S. 667d; P.A. 73-655, S. 1; P.A. 76-173, S. 2.)

Immaterial mistakes in description of office of no consequence. 75 C. 16. Members of town school committee are town officers. 103 C. 422. Cited. 136 C. 639. Cited. 162 C. 256.

Sec. 9-186. Electoral status of municipal officers.

Each elected municipal officer shall be an elector of the municipality in which he is elected to office and, if for any reason he ceases to be an elector thereof, he shall thereupon cease to hold office therein; and such office shall be deemed vacant.

(1949 Rev., S. 516; 1953, S. 251d; P.A. 76-173, S. 3.)

Cited. 162 C. 256.

Court may not, in quo warranto proceeding, determine whether or not the defendant is an elector; selectmen and town clerk have exclusive jurisdiction to make such determination. 19 CS 487. The fact that for one to qualify for election to a town office he must be an elector, is an establishment of a minimum age qualification for municipal elective officials, including mayors, by the state. 31 CS 447.

Sec. 9-203. Number of members of board of education.

The board of education in each town shall consist of three, six, nine or twelve residents of such town, except as provided in section 9-205. In a town holding annual elections one-third of the members of such board shall be elected annually for the term of three years. Any town may, at any time, by ordinance, make the number of its board of education three, six, nine or twelve, and, at the next election thereafter held in each such town, the terms of all members of the board of education shall terminate and sufficient members shall be elected to fill the entire number of positions on said board as determined by such ordinance. In each such town which holds annual elections, at such next election one-third of the members of such board shall be elected for a term of one-year, one-third shall be elected for a term of two years and one-third shall be elected for a term of three years; and at each annual election thereafter held, one-third of the members of such board shall be elected for a term of three years. In each such town which holds biennial elections, at such next election and at each biennial election thereafter held, members of the board of education shall be elected in accordance with the procedure prescribed in section 9-206 for a town which adopts biennial elections pursuant to section 9-165. The term of office of members of the board of education shall begin on the day of the election except in municipalities which have adopted the uniform fiscal year and have acted under the provisions of section 7-387. The provisions of this section and section 9-204 shall not be construed to repeal or affect any special act relating to a town which elects the members of its board of education in a different manner or for different terms.

(1949 Rev., S. 1500; 1953, S. 684d; 1957, P.A. 13, S. 57; 1961, P.A. 517, S. 7.)

Under former statute member of town school committee was not required to be an elector. 114 C. 527. See also 83 C. 560.

Sec. 9-204. Minority representation on board of education.

When the number of members to be elected to the board of education for the same term at any election is even, no elector shall vote for more than half that number. When the number of members to be elected to the board of education for the same term at any election is odd, no elector shall vote for more than a bare majority of that number.

(1949 Rev., S. 1500; 1953, S. 685d.)

See note to Sec. 9-203.

Sec. 9-204a. Nomination and voting for full number of board members to be elected authorized.

Notwithstanding the provisions of sections 9-204 and 9-414 and of any special act or town charter, any town may, by charter, or by referendum vote taken at any regular election in such town pursuant to either a vote of its legislative body or a petition signed by at least five per cent of the electors of such town as established by the last-preceding registry list of such town, authorize the nomination by any political party of candidates for election as members of the board of education of such town equal to the number of members of said board to be elected at such election, and authorize the electors of such town to vote for the full number of such members to be elected, provided not more than one-half of the members of said board declared elected to the same term at such election shall be of the same political party if the number to be elected is even and not more than a bare majority thereof shall be members of the same political party if the number to be elected is odd. If the number of candidates, sufficient to fill the offices voted on, receiving the highest number of votes at any such election are of the same political party, those persons sufficient to fill one-half or a bare majority of such offices, as the case may be, who received the highest number of votes among such candidates shall be declared elected and those persons receiving the next highest number of votes who do not belong to such political party, sufficient in number to fill the remaining offices, shall be declared elected.

(P.A. 73-266, S. 1, 2; P.A. 75-532, S. 1, 2.)

Sec. 9-205. Election of board of education on change of membership.

Any town may, at any time, by ordinance, make the number of its board of education five or seven. (a) At the next annual town election the term of office of the members of the board of education then in office shall expire. If the number of such board so chosen is five, such town shall elect three members of such board to hold office until the next annual town election to be held in an odd-numbered year and two members of such board to hold office until the next annual town election to be held in an even-numbered year; and, thereafter, in the odd-numbered years, shall elect three members of such board and, in the even-numbered years, two members of such board, each member to hold office for a term of two years from the date of his election. If the number of such board so chosen is seven, such town shall, at the annual town election next following such action, elect three members of such board to hold office until the next annual town election to be held in an odd-numbered year and four members of such board to hold office until the next annual town election to be held in an even-numbered year; and, thereafter, in the odd-numbered years, shall elect three members of such board and, in the even-numbered years, four members of such board, each member to hold office for a term of two years from the date of his election. (b) If any town which has, by ordinance, made the number of its board of education five or seven subsequently adopts biennial elections pursuant to section 9-165, at the first biennial election to be held in such town the terms of all members of said board shall terminate. At such first biennial election sufficient members of the board of education shall be elected to fill the entire number of positions on the board for terms as follows: If the number of members is five, two shall be elected for a term of two years and three shall be elected for a term of four years; and if the number of members is seven, three shall be elected for a term of two years and four shall be elected for a term of four years. At each biennial election thereafter sufficient members shall be elected to succeed the members whose terms expire, each for a term of four years. (c) If any town which holds biennial town elections, by ordinance, makes the number of its board of education five or seven, at the town election next following such action the terms of office of the members of such board then in office shall expire; and, if the number so chosen is five, such town shall elect three members of such board to hold office for two years and two members to hold office for four years each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. If the number of such board so chosen is seven, such town shall elect four members of such board to hold office for two years and three members to hold office for four years, each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. (d) The provisions of this section shall be in addition to the provisions of sections 9-203 and 9-204, and any applicable provision of said sections shall apply to this section.

(1949 Rev., S. 1503; 1953, S. 686d; 1957, P.A. 13, S. 58.)

Sec. 9-206. Election of board of education in towns adopting biennial elections.

In any town having a board of education of three, six, nine or twelve members established in accordance with the general statutes which has adopted biennial elections pursuant to section 9-165, at each biennial election one-third of the members of such board shall be elected for a term of six years. In any town having any such board which adopts biennial elections, at its first biennial election sufficient members of the board of education shall be elected to fill the entire number of positions on said board for terms as follows: One-third shall be elected for a term of two years, one-third shall be elected for a term of four years and one-third shall be elected for a term of six years. At each biennial election thereafter, one-third of the members of such board shall be elected for a term of six years.

(1953, S. 687d.)
Cited. 18 CS 69.

Sec. 9-206a. Optional number of members and terms of boards of education.

(a) Notwithstanding the provisions of sections 9-203, 9-205 and 9-206, any town may, by charter provision, provide for the election of a board of education consisting of not less than three nor more than twelve electors of such town for terms of two, three, four or six years. Each such town may provide in an ordinance or charter provision for method of rotation. Such ordinance or charter provision shall not take effect until six months after adoption. Members of boards of education shall first be elected in accordance with any such ordinance or charter provision at the next regular town election following the effective date of such ordinance or charter provision. (b) No person serving an elected term to a board of education on the effective date of any such ordinance or charter provision shall have his term shortened or terminated by virtue of such ordinance or charter provision.

(February, 1965, P.A. 628, S. 1, 2.)

Sec. 12-568. Operation of lottery. Instant lottery. Daily lottery. Portions to educational equalization grants and department of social services.

(a) The commission shall determine the number of times a lottery shall be held in each year, the form and price of the tickets therefor and shall award prizes to winning participants, determined in a manner designated by the commission. The proceeds of the sale of tickets, other than instant lottery game or daily lottery game tickets, shall be deposited in a lottery fund from which prizes shall be paid, upon vouchers signed by the chairman of the commission, or by either of two persons designated and authorized by the commission, in such numbers and amounts as the commission determines.

(b) The commission shall conduct special instant lottery games. The proceeds of the sale of instant lottery game tickets shall be deposited in an instant lottery game fund from which prizes shall be paid in the manner specified in subsection (a) of this section.

(c) In December and May of each year the commission shall estimate and certify to the comptroller that portion of the balance in the instant lottery game fund which exceeds the needs of the commission for the payment of instant lottery game prizes and for the payment of all direct expenses incurred pursuant to conducting the instant lottery games. Such portion as determined in each of said months shall be transferred to the general fund of the state of Connecticut to be used to the extent necessary to pay educational equalization grants to towns as calculated for such year in accordance with the provisions of sections 10-261 and 10-262c to 10-262e, inclusive, and the balance shall become revenues of the general fund.

(d) The commission shall conduct daily lottery games. The proceeds of the sale of daily lottery game tickets shall be deposited in a daily lottery game fund from which prizes shall be paid in the manner specified in subsection (a) of this section.

(e) In December and May of each year the commission shall estimate and certify to the comptroller that portion of the balance in the daily lottery game fund which exceeds the needs of the commission for the payment of daily lottery game prizes and for the payment of all direct expenses incurred pursuant to conducting the daily lottery games. Such portion shall be transferred to the general fund and one million dollars of such portion shall be allocated to the department of social services for an emergency food relief program for persons eligible to receive benefits for the aid for dependent children program, such funds to be expended by the commissioner of social services in accordance with regulations promulgated by said commissioner.

(1971, P.A. 865, S. 12; 1972, P.A. 187, S. 5; P.A. 75-344, S. 1, 2; December, 1975, P.A. 75-2, S. 1, 2; P.A. 76-114, S. 19, 21; 76-387, S. 4, 5.)

Sec. 14-29. Insurance or bond of public service motor vehicle and service bus owners.

(a) The commissioner shall not register any public service motor vehicle or service bus and no person shall operate or cause to be operated upon any public highway any public service motor vehicle or service bus until the owner or lessee thereof has procured insurance or a bond satisfactory to the commissioner, which insurance or bond shall indemnify the insured against any legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the use or operation of the public service motor vehicle or service bus described in the contract of insurance or such bond, provided such insurance or bond shall not be required from the owner or lessee of a public service motor vehicle who holds a certificate of public necessity and convenience from the public utilities control authority if such owner or lessee has procured from said authority a certificate that the authority has found that such owner or lessee is of sufficient financial responsibility to meet legal liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the use or operation of such motor vehicle. The public utilities control authority may issue such certificate upon presentation of evidence of such financial responsibility satisfactory to it.

(b) The amount of insurance or of such bond which each public service motor vehicle or service bus owner or lessee shall carry as insurance or indemnity against claims for personal injury or death shall be not less than (1) fifty thousand dollars for one person subject to that limit per person; (2) for all persons in any one accident where the carrying capacity is seven passengers or less, one hundred thousand dollars; (3) eight to twelve passengers, inclusive, one hundred fifty thousand dollars; (4) thirteen to twenty passengers, inclusive, two hundred thousand dollars; (5) twenty-one to thirty passengers, inclusive, two hundred and fifty thousand dollars; and (6) thirty-one passengers or more, three hundred thousand dollars; and such policy or such bond shall indemnify the insured against legal liability resulting from damage to the property of passengers or of others to the amount of ten thousand dollars. The provisions of this subsection shall not apply to the owner or lessees of a public service motor vehicle holding a certificate of public convenience and necessity issued by the public utilities control authority, concerning whom the authority has found that he or it is of sufficient financial responsibility to meet legal liability for damages as provided in subsection (a).

(c) Any person or company issuing any such insurance or indemnity bond shall file with the commissioner of motor vehicles a certificate in such form as he prescribes, and no such insurance or bond shall lapse, expire or be cancelled while the registration is in force until the commissioner has been given at least ten days' written notice of an intention to cancel and until he has accepted other insurance or another indemnity bond and has notified the person or company seeking to cancel such insurance or bond that such other insurance or bond has been accepted or until the registration of the public service motor vehicle or service bus described in such insurance policy or bond has been cancelled and its number plates have been taken up by the commissioner.

(d) Any person injured in person or property by any public service motor vehicle or service bus may apply to the commissioner for the name and description of the insurer of the public service motor vehicle or service bus causing such injury or the name of the surety upon any indemnity bond of any such owner or the name of the holder of a certificate of financial responsibility.

(e) Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

(1949 Rev., S. 2371; 1955, S. 1293d; November, 1955, S. N164; 1971, P.A. 487, S. 1; P.A. 75-486, S. 39, 69.)

Sec. 14-44. Special license for public service motor vehicle and service bus operators. Appeals. Fines. Exception.

(a) No person shall operate a public service motor vehicle or service bus upon any public highway of this state until he has obtained from the commissioner a special license for such purpose, except as provided in section 14-34 and subsection (b) of this section, and no such license shall be issued until the commissioner, or his authorized representative, is satisfied that the applicant for such license is eighteen years of age, except that an applicant for a public service license to operate a school bus shall be not more than sixty-nine years of age, and a proper person to receive the same and already holds a regular operator's license. Each applicant for such special license shall furnish the commissioner, or his authorized representative, with satisfactory evidence, which may be required to be under oath, to prove that he has no criminal record and that no reason exists for a refusal to grant such special license, and shall be required to pass an examination as prescribed by the commissioner to determine his ability to operate a public service motor vehicle or service bus. A fee of two dollars and fifty cents shall be charged for such examination, such fee to be forfeited to the state in the event of the applicant's failure to pass such examination. Each applicant for a public service operator's license or renewal thereof shall with his application submit proof satisfactory to the commissioner that he has passed a physical examination which has been taken within ninety days prior to his applying for such special license or renewal thereof, except that no medical or physical examination shall be required of any operator of a public service motor vehicle or service bus who is in compliance with safety regulations established from time to time by the United States Department of Transportation. The standards for such physical examination shall be conducted in accordance with the regulations adopted by the commissioner pursuant to chapter 54. Each applicant for a public service operator's license or renewal thereof shall be fingerprinted before such license is issued. The commissioner shall have authority and discretion to issue or to withhold, or to renew, suspend, cancel or revoke, any public service motor vehicle operator's license, taking into consideration the age, record as to crimes and accidents, moral character and physical condition of any such applicant or licensee and such other matters as the commissioner may determine. The commissioner may require any such applicant or licensee to furnish the statements of two or more reputable citizens which may be required to be under oath, vouching for the good character or other qualifications of such applicant or licensee. Such public service motor vehicle operator's license shall be of a special form and shall state the name, place of residence and post-office address of the licensee, the public service motor vehicle operator's number assigned to him and such other information as the commissioner may prescribe. Any applicant who is refused such a special license on account of a criminal record may, within thirty days from the date of such refusal, appeal from the decision of the commissioner to the attorney general, and if, upon such appeal, the attorney general, notwithstanding such refusal, determines that the character of the applicant is such that such special license ought to be granted, he may direct the commissioner to issue the same; provided the commissioner, before such license is issued, may require that such applicant file a bond in the sum of one hundred dollars, with good and sufficient surety, payable to the state and conditioned upon a legal operation of public service motor vehicles or service busses by the applicant. Violation of any provision of this section shall be an infraction.

(b) Notwithstanding the provisions of subsection (a) of this section, a nonresident who holds a valid public service motor vehicle operator's license issued by another state or country may operate a public service motor vehicle in this state without a special license, provided such vehicle is not engaged in intra-state commerce.

(1949 Rev., S. 2384; 1963, P.A. 336; 372; 1969, P.A. 110, S. 1; 1971, P.A. 612, S. 4; 1972, P.A. 127, S. 17; P.A. 74-152; P.A. 75-213, S. 10, 53; 75-577, S. 22; 126; P.A. 76-382, S. 2.)

See Sec. 14-112(a) and chapter 881b.

Cited 148 C. 456.

Sec. 14-49. For miscellaneous registrations and other fees.

(a) For the registration of each passenger motor vehicle, other than an electric motor vehicle, the annual fee shall be twenty dollars; provided the annual fee for any motor vehicle for which special license plates have been issued under the provisions of section 14-20 shall be seven dollars.

(b) For the registration of each motorcycle, the fee shall be eight dollars, and, for registration of each motorcycle with side car or box attached used as a commercial motor vehicle, sixteen dollars, for each year or part thereof. The commissioner may register a motorcycle with a side car under one registration which shall cover the use of such motorcycle with or without such side car.

(c) For the registration of each public service motor vehicle other than a motor bus, with a seating capacity of seven or less, the commissioner shall charge an annual fee of sixty dollars. When the seating capacity of such motor vehicle is more than seven, there shall be added to the amount herein provided the sum of two dollars and fifty cents for each seat so in excess.

(d) For the registration of each motor bus, except a motor bus owned and operated by a multiple state passenger carrier as hereinafter defined, the commissioner shall charge a fee of thirty dollars. For the registration of motor busses owned or operated by a multiple state passenger carrier, the commissioner shall charge registration fees based on the rate of sixty-five cents per hundredweight of the gross weight, such gross weight to be computed by adding the light weight of the vehicle fully equipped for service to one hundred fifty pounds per passenger for the rated seating capacity, plus the sum of twenty-two dollars. The fee in each case shall be determined on an apportionment basis commensurate with the use of the highways of this state as herein provided. The commissioner shall require the registration of that percentage of the motor busses of such multiple state passenger carrier operating into or through the state which the mileage of such motor busses actually operated in the state bears to the total mileage of all such motor busses operated both within and without the state. Such percentage figures shall be the mileage factor. In computing the registration fees on the number of such motor busses which are allocated to the state for registration purposes under the foregoing formula, the commissioner shall first compute the amount that the registration fees would be if all such motor busses were in fact subject to registration in the state, and then apply to such amount the mileage factor above referred to, provided, if the foregoing formula or method of allocation results in apportioning a lesser or greater number of motor busses or amount of registration fees to the state than the state under all of the facts is fairly entitled to, then a formula that will fairly apportion such registration fees to the state shall be determined and used by the commissioner. Said mileage factor shall be computed prior to March first of each year by using the mileage records of operations of such motor busses operating both within and without the state for the twelve-month period, or portion thereof, ending on August thirty-first next preceding the commencement of the registration year for which registration is sought. If there were no operations in the state during any part of such preceding twelve-month period, the commissioner shall proceed under the provisions of subsection (a) of article IV of section 14-365. In apportioning the number of motor busses to be registered in the state, as provided herein, any fractional part of a motor bus shall be treated as a whole motor bus and shall be registered and licensed as such. Any motor bus operated both within and without the state which is not required to be registered in the state under the provisions of this section shall nevertheless be identified as a part of the fleet of the multiple state passenger carrier and the commissioner shall adopt an appropriate method of identification of such motor busses owned and operated by such carrier. The identification of all such motor busses by the commissioner as above required shall be considered the same as the registration of such motor busses under this chapter. The substitution from time to time of one motor bus for another by a multiple state passenger carrier shall not require registration thereof in the state so long as the substitution does not increase the aggregate number of motor busses employed in the operation of such carrier, provided all such motor busses substituted for others shall be immediately reported to and identification issued for the same by the commissioner and, if a registration fee is required to be paid for such substituted motor bus, the same shall be promptly paid. As used in this subsection, the phrase "multiple state passenger carrier" means and includes any person, firm or corporation authorized by the interstate commerce commission to engage in the business of the transportation of passengers for hire by motor busses, both within and without the state.

(e) For the registration of a passenger and commercial motor vehicle or of a passenger motor vehicle used as a school bus having a seating capacity of seven or less, the commissioner shall charge a fee of twenty-two dollars; for the registration of a school bus or other motor vehicle used as a school bus, having a seating capacity greater than seven, the commissioner shall charge a fee of forty cents per hundredweight of the gross weight, such gross weight to be computed by adding the light weight of the vehicle fully equipped for service to one hundred pounds per passenger for the rated seating capacity, plus the sum of two dollars and fifty cents; for the registration of a commercial motor vehicle when used in part as a passenger motor vehicle having a seating capacity greater than seven and not used as a public service motor vehicle, the commissioner shall charge the fee for gross weight as for commercial motor vehicles, as outlined in section 14-47, plus the sum of two dollars and fifty cents.

(1949 Rev., S. 2388; 1953, 1955, S. 1306d; 1955, S. 1303d, 1304d, 1305d; 1957, P.A. 164; 450; 608; 668; 1959, P.A. 62, S. 1; 545, S. 1; 1961, P.A. 22, S. 1; 233, S.8; 441; 581, S. 8; 591; February, 1965, P.A. 220; 414, S. 2; 1967, P.A. 501, S. 2; 1969, P. A. 302, S. 2; 759, S. 6, 7, 8; 816; 1971, P.A. 526, S. 4; 529; 598; 1972, P.A. 255, S. 6; P.A. 73-454, S. 2, 5; 73-549, S. 2, 4; P.A. 75-213, S. 5, 53; P.A. 76-386.)

See Secs. 14-28, 14-58, 14-59.

Sec. 14-73. Instructor's license.

No person shall be employed by any such licensee to give instruction in driving a motor vehicle unless he is licensed to act as such instructor by the commissioner.

(a) Application for such license shall be in writing and shall contain such information as the commissioner requires. The applicant shall furnish evidence satisfactory to the commissioner (1) that he is of good moral character and has never been convicted of a crime involving moral turpitude; (2) that he is at least eighteen years of age; (3) that he has held a license to drive a motor vehicle for the past two consecutive years and that he has a driving record satisfactory to the commissioner; (4) that he has had a recent medical examination by a physician licensed to practice within the state and said physician certifies he is physically fit to operate a motor vehicle and instruct in driving; (5) that he has received a high school diploma or has an equivalent academic education; (6) that he has completed an instructor training course of forty-five clock hours given by a school or agency approved by either the motor vehicle commissioner or the state board of education, except that any such course given by a state college must be approved by said commissioner and said board of education.

(b) The commissioner of motor vehicles shall conduct such written, oral and practical examinations as he deems necessary to determine whether an applicant has sufficient skill in the operation of motor vehicles to insure their safe operation and a satisfactory knowledge of the motor vehicle laws and can impart such skill and knowledge to others. If the applicant successfully completes such examinations, the commissioner shall cause him to be fingerprinted and shall issue to him an instructor's license. Such license shall be valid for use only in connection with the business of the drivers' school or schools listed thereon. If the applicant fails such examination, he may apply for re-examination after three months have elapsed. The license so issued shall be valid for the calendar year within which it is issued, and renewals shall be for succeeding calendar years.

(c) The licensee shall be re-examined prior to the issuance of a renewal of his instructor's license or at any time during the license period that such examination would, in the opinion of the commissioner, be in the interest of public welfare and safety. Persons licensed for the first time as instructors after January 1, 1972, shall, in the three years following their initial licensure, take an advanced instructor course of not less than forty-five clock hours in traffic safety. Such course shall have been approved by the commissioner of motor vehicles. Proof of compliance with the requirement for such instruction shall be made before license renewals are issued.

(d) Licenses issued prior to January 1, 1972, shall be valid and any person who has been employed as an instructor for at least one year prior to the said date, upon application for a license renewal, shall be required only to pass an examination as to proficiency as a driver and instructor and to give satisfactory evidence of good moral character.

(e) The fee for an instructor's license, or for any renewal thereof, shall be three dollars. The commissioner may deny the application of any person for an instructor's license if he determines that such applicant has made a material false statement or concealed a material fact in connection with his application therefor.

(1957, P.A. 507, S. 6; 1971, P.A. 456, S. 1; 1972, P.A. 127, S. 19; P.A. 73-252; P.A. 76-379.)

Sec. 14-146. Objects not to be thrown at motor vehicles.

No person shall throw any object at a motor vehicle or at a person in such motor vehicle or on any highway, which may cause injury to such vehicle or the tires thereon or to any person therein. Any person who violates any provision of this section shall be fined for the first offense not more than five hundred dollars and, for each subsequent offense, may be imprisoned for not more than sixty days.

(1949 Rev., S. 2470; 1967, P.A. 381.)

Sec. 14-262. Width and length of vehicles. Exceptions. Permits.

No vehicle or combination of vehicle and trailer, except farm equipment, or a vehicle or combination of vehicle and trailer loaded with hay or straw, which, with its load, is wider than eight feet six inches, and no vehicle, or combination of vehicle and trailer, which is longer than fifty-five feet, except a vehicle or combination of vehicle and trailer loaded with poles, lumber, piling or structural units which, with its load, does not exceed eighty feet in length, shall be operated upon any highway or bridge without a special written permit from the commissioner of transportation, as provided in section 14-270, specifying the conditions under which it may be so operated. Such permit shall not be required in the case of (1) a trailer designed and used exclusively for transporting boats when the gross weight of such boats does not exceed four thousand pounds or (2) a school bus equipped with a folding stop sign or exterior mirror, as approved by the commissioner of motor vehicles, which results in a combined width of bus and sign or bus and mirror in excess of that established by this section or (3) a vehicle or vehicle and semi-trailer, commonly known as an automobile trailer, designed and used exclusively for transporting new and used motor vehicles, provided such automobile trailer when unloaded is not longer than fifty-five feet and when loaded is not longer than sixty feet, with its load, and conforms to the provisions of section 14-96k. Violation of any provision of this section shall be an infraction.

(1949 Rev., S. 2500; 1959, P.A. 542, S. 1; February, 1965, P.A. 429; 1967, P.A. 42; 1969, P.A. 354, S. 1; 768, S. 144; P.A. 74-153; P.A. 75-577, S. 99, 126; P.A. 76-342.)

See chapter 881b.

Sec. 14-273. Operation of public service motor vehicles.

(a) No public service motor vehicle shall carry any person upon the running board, mudguard or hood. No motor bus shall carry more passengers than the seating capacity thereof, except that, upon application to the public utilities control authority, said authority may, after examination of such motor bus, issue to the owner thereof a license to carry such number of passengers in excess of the seating capacity of such bus as said authority deems reasonable, which license may be issued upon such conditions and for such additional fee, payable to the commissioner of motor vehicles, as said authority prescribes. The total number of persons carried at any time by any public service motor vehicle, other than a motor bus, shall not exceed the number specified in the certificate of registration. The seating capacity of any motor vehicle used for the transportation of school children shall not exceed seventy-two, and no motor vehicle when so used shall carry any number of passengers in excess of such seating capacity. No motor vehicle used for the transportation of school children shall be equipped with any longitudinal center seat. The commissioner may suspend the registration of any such motor vehicle for a violation of any provision of this section until such time as the requirements hereof have been complied with.

(b) All provisions of chapter 246 regulating motor vehicles in general shall apply to public service motor vehicles.

(c) Any person who violates any provision of subsection (a) of this section shall be fined not less than five nor more than twenty-five dollars for each offense.

(1949 Rev., S. 2423; 1955, S. 1318d; 1957, P.A. 264, S. 1; P.A. 75-486, S. 43, 69.)
See Sec. 14-250.

Sec. 14-274. Hours of operators of public service and commercial motor vehicles.

(a) No person shall operate, nor shall the owner require or permit any person to operate, any commercial motor vehicle or public service motor vehicle on the highways of this state, when such operator has been continuously on duty for more than twelve hours, and, after a driver has been continuously on duty for twelve hours, he shall not operate, nor shall the owner require or permit him to operate, any such motor vehicle on the highways of this state until he has had at least eight consecutive hours off duty. (b) No person shall operate, nor shall the owner require or permit any person to operate, any commercial motor vehicle or public service motor vehicle on the highways of this state, when such operator has been on duty more than sixteen hours in the aggregate in any twenty-four-hour period, and, when an operator has been on duty sixteen hours in any twenty-four-hour period, he shall not operate, nor shall the owner require or permit him to operate, a commercial motor vehicle or public service vehicle on the highways of this state, until he has had at least ten consecutive hours off duty. The periods of release from duty herein required shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it is for at least three consecutive hours at a place where there is opportunity for rest. In case of an unforeseen emergency, the driver may complete his run or tour of duty if such run or tour of duty, but for the delay caused by such emergency, would reasonably have been completed without a violation of the provisions of this section. The commissioner of motor vehicles may make such regulations as he deems advisable to insure proper enforcement of this section. (c) Any person who violates any provision of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense.

(1949 Rev., S. 2425.)
Cited 144 C. 659; 152 C. 496.

Sec. 14-275. Equipment and color of school busses.

(a) The term "school bus" means any motor bus, painted, constructed, equipped and registered as hereinafter provided, which is regularly used for transporting school children to and from school or school activities whether or not for compensation or under contract to provide such service. As used in this section and sections 14-276, 14-279 and 14-280, "registered school bus" or "registered as a school bus" means a school bus registered as a service bus or livery vehicle in accordance with the requirements of sections 14-26, 14-29 and 14-49. No vehicle shall be registered as a school bus unless it complies with all requirements of sections 14-275 to 14-281, inclusive, as to color, markings, equipment and inspection, and each such vehicle shall be inspected prior to such registration in accordance with regulations prescribed by the commissioner of motor vehicles. The provisions of said sections requiring other vehicles to stop at the signal of the operator of a registered school bus shall not apply to a signal by the operator of any vehicle not registered as a school bus and not complying with all requirements for such registration.

(b) Each school bus shall be painted a uniform yellow color known as "National School Bus Chrome," except for the fenders and trim, which may be painted black, and shall have conspicuously painted on the rear and on the front thereof, in black lettering of a size to be determined by the commissioner of motor vehicles, the words "School Bus--Stop on Signal." The sides of such vehicles may be inscribed with the words "School Bus," the school name or such other legend or device as may be necessary for purposes of identification or safety.

(c) Each school bus shall be equipped with special automatic, electrically-operated flashing stop signals, which shall be independent and separate from the braking, stop and tail lights of standard equipment. Such flashing lights may include automatic traffic signalling devices showing red, green and amber lights and shall be so located that adequate warning will be afforded to both oncoming and overtaking traffic. The commissioner may adopt standards and specifications for the construction of school busses and for equipment to be maintained on school busses consistent with the provisions of sections 14-275 to 14-281, inclusive. Both public and private owners of school busses shall maintain a record of such kinds of repairs made to such busses as the commissioner may require and such work record shall be available at all times to the commissioner and his designated assistants. Each school bus shall be equipped with emergency lighting equipment as provided by section 14-97a, with a defrosting device as provided by section 14-97, with an outside mirror as provided by section 14-99 and at least one convex mirror designed and mounted so as to give the driver a view directly in front of the bus he is operating, with a signalling device as provided by section 14-101, and with chain non-skid devices for immediate use on at least one outside rear tire on each side or studded snow tires on all rear wheels when weather and highway conditions require such use. Commencing February 1, 1974, each new school bus with a vehicle air brake system shall be so equipped that the brake system is operated from a separate air reservoir tank other than the air reservoir tank used to operate any other compressed air or vacuum operated devices with which the school bus may be equipped. The seating requirements of section 14-273 shall be observed.

(1955, S. 1319d; 1957, P.A. 481; 1959, P.A. 62, S. 8; 1961, P.A. 279; 1967, P.A. 395; 661; 1969, P.A. 639, S. 2; 1971, P.A. 149; 1972, P.A. 286, S. 1; P.A. 73-150; P.A. 75-161, S. 1, 2.)

See Secs. 14-107, 14-112(a).

Subsec. (a). State is not limited to proving a vehicle is a registered school bus by a certified copy of registration prepared by motor vehicle commissioner. It could prove this element by such other evidence as it sees fit. 4 Conn. Cir. Ct. 5, 6.

Sec. 14-275a. Use of standard school bus required, when.

No town or regional school district shall transport or enter into a contract for the transportation of students under the age of twenty-one years to and from school in any motor vehicle accommodating more than nine students other than a school bus conforming to the provisions of section 14-275.

(1972, P.A. 286, S. 2.) Effective September 1, 1974, and the provisions of this section shall not apply to any contract for the transportation of students, which is in existence prior to May 26, 1972.

Sec. 14-275b. Transportation of physically handicapped students.

The provisions of section 14-275 shall not apply to any motor vehicle when used exclusively for the transportation of physically handicapped students under the age of twenty-one, provided no town or school district shall use any motor vehicle accommodating more than nine students, other than a school bus conforming to the requirements of section 14-275, for the transportation of physically handicapped students unless such motor vehicle has been approved for such purpose by the commissioner.

(1972, P.A. 286, S. 3.) Effective September 1, 1974, and the provisions of this section shall not apply to any contract for the transportation of students, which is in existence prior to May 26, 1972.

Sec. 14-275c. Commissioner to make regulations re school busses.

The commissioner of motor vehicles may, in accordance with the provisions of chapter 54, make, alter or repeal regulations governing the inspection, registration, operation and maintenance of school busses and the licensing of the operators of such vehicles.

(P.A. 74-119.)

Sec. 14-276. Licensing of school bus operators.

Registered school busses while transporting school children shall be operated by holders of valid public service operators' licenses issued in accordance with section 14-44. Such license shall be held in addition to the regular operator's license required for the operation of motor vehicles. No person who has attained the age of seventy shall be allowed to hold such license for the purpose of operating a school bus. Any member of a board of education or any person to whom a town has awarded a contract for the transportation of school children who permits the operation of a registered school bus while transporting school children by any person not so licensed shall be fined not less than twenty-five dollars nor more than one hundred dollars.

(1955, S. 1320d; 1967, P.A. 859; 1969, P.A. 110, S. 2; 1972, P.A. 127, S. 21.)
See Secs. 14-107; 14-112(a).

Sec. 14-276a. Regulations re school bus operators; qualifications; training.

(a) The commissioner of motor vehicles shall adopt regulations in accordance with the provisions of sections 4-166 to 4-174, inclusive, establishing a procedure for the physical examination and safety training of school bus operators. Such regulations shall provide for minimum physical requirements and for minimum proficiency requirements for a school bus operator. The safety training administered by the commissioner shall conform to the minimum requirements of number 17 of the National Highway Safety Standards as published in the Federal Register of volume 37, number 89, Saturday, May 6, 1972.

(b) After September 1, 1974, no person shall operate a school bus as defined in section 14-275 for the purpose of transporting school children unless such person has during the twelve months immediately preceding the start of the last school year: (1) Furnished evidence to the satisfaction of the commissioner that he meets the minimum physical requirements set by the commissioner for operation of a school bus; (2) successfully completed a course in safety training for school bus operation administered by the commissioner; and (3) passed an examination in proficiency in school bus operation given by the commissioner. For purposes of this section the term "school year" shall mean the period from the first day in September that school is open to the last day in June of the subsequent calendar year that school is open in any municipal or regional school district.

(c) Any person violating any provision of this section shall be fined not more than one hundred dollars.

(d) The sum of twenty-one thousand dollars is appropriated for the purpose of carrying out the provisions of this section.

(P.A. 73-503, S. 1, 2.)

Sec. 14-277. Operator's duties on stopping bus.

The operator of any school bus, when about to bring his bus to a stop to receive or discharge passengers, shall signal his intention to do so by causing the flashing signal lights to be displayed for not less than fifty feet before he brings the bus to a stop so as to be clearly visible to the operator of any oncoming or overtaking vehicle or motor vehicle. The operator of such school bus, having brought his vehicle to a stop, shall not open the door to receive or discharge passengers until all vehicles approaching from the front and overtaking from the rear have stopped in compliance with the indicated signal to stop. After all passengers are safely aboard or discharged and safely off the highway, such operator shall extinguish the stop lights. He may then permit all standing traffic to pass before resuming forward progress. While such school bus is in motion the doors shall remain closed at all times and all passengers shall be required to remain seated. No operator of any school bus shall stop his vehicle on the main traveled portion of the highway to receive or discharge passengers when existing highway shoulders or adequate highway width is available or where curbs, bus stops or special facilities exist.

(1955, S. 1324d; 1963, P.A. 642, S. 12; 1971, P.A. 467, S. 1.)
See Secs. 14-107; 14-112(a).

Sec. 14-278. Hours of operation. Placement of seats. No extra exemption or authority for operators.

The provisions of section 14-274 as to hours of operation of public service motor vehicles and of section 14-257 as to placement of seats in public service motor vehicles shall apply to the operation of school busses. Nothing in sections 14-275 to 14-281, inclusive, shall exempt the operator of any school bus from compliance with all laws governing the operation of motor vehicles upon the public highway, including the passing of other school busses similarly engaged. Nothing in said sections shall be construed as giving the operator of any school bus the authority to control traffic manually or by any other means than those specifically stated herein.

(1955, S. 1322d.)
See Secs. 14-107; 14-112(a).

Sec. 14-279. Vehicles to stop for school bus.

The operator of any vehicle or motor vehicle shall immediately bring his vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any registered school bus displaying flashing signal lights, except at the specific direction of a traffic officer. Vehicles so stopped for a school bus shall not proceed until such bus no longer displays flashing signal lights. At the intersection of two or more highways vehicular turns toward a school bus receiving or discharging passengers are prohibited. The operator of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway.

(1955, S. 1323d; February, 1965, P.A. 574, S. 21; 1967, P.A. 380.)
See Sec. 14-112(a).
State is not limited to proving a vehicle is a registered school bus by a certified copy of registration prepared by motor vehicle commissioner. It could prove this element by such other evidence as it sees fit. 4 Conn. Cir. Ct. 5, 6.

Sec. 14-280. Letters and signals to be concealed when not used in transporting children. Signs on other vehicles.

When used for any other purpose than the transportation of children to and from schools or school activities, private or public camps or any other activities concerning the transportation of groups of children, all lettering proclaiming the identity of school busses shall be covered and the special signals normally used when so engaged shall be left unused or disconnected. Any motor vehicle, other than a registered school bus, when used for the transportation of children to and from school or school activities or private or public camps or for the transportation exclusively of children and any person or persons having charge of such children to any other activities, may display signs of a size approved by the commissioner of motor vehicles on the front and rear of such vehicle inscribed with the words "School Bus." The words "Stop" or "Stop on signal" shall not be used.

(1955, S. 1324d; 1959, P.A. 418, S. 1.)
See Secs. 14-107; 14-112(a).

Sec. 14-281. Penalties.

Any person who violates any provision of sections 14-275 to 14-280, inclusive, for which no other penalty is provided shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense.

(1955, S. 1325d.)
See Sec. 14-112(a).

Sec. 14-281a. Speed of school busses.

Every school bus shall be operated at a safe rate of speed, consistent with the volume of traffic, intersections, curves, railway crossings and any other condition requiring special caution. The maximum speed shall not exceed fifty miles per hour on divided limited access highways and forty miles per hour on all other highways or, where highway signs indicate lower speeds, shall not exceed such posted speed limits. Violation of any provision of this section shall be an infraction.

(1967, P.A. 324; P.A. 75-577, S. 106, 126.)
See chapter 881b.

Sec. 14-295. Double or treble damages.

Each person who, by neglecting to conform to any provision of sections 14-230 to 14-242, inclusive, or section 14-245, or 14-247, causes any injury to the person or property of another, shall be liable to the party injured in double or treble damages if, in the discretion of the court in which any action is pending, double or treble damages are just, with the costs of such action.

(1949 Rev., S. 2492; P.A. 76-435, S. 1, 82.)

Treble damages were originally mandatory: they were made discretionary in 1909. The jury should find the actual damages and the court multiply them. 59 C. 1. The statute is to be strictly construed. If the complaint omits any element of the statute;66 C. 570; 75 C. 124; or alleges other tortious acts, so that the verdict does not necessarily establish violation of the statute; 59 C. 1; 84 C. 52; 87 C. 256; multiple damages cannot be awarded. Multiple damages should be claimed in the demand for relief. 84 C. 52; 87 C. 257. Cited. 111 C. 729. Additional damages are penal and are not recoverable from insurer. 127 C. 533. Cited. 134 C. 599.

Double or treble damages may be claimed in complaint alleging both common-law and statutory negligence, provided facts which bring case within statute are clearly stated. 4 Conn. Cir. Ct. 462, 463, 464.

Sec. 16a-34. Commission on Connecticut's future.

(a) There is established a commission on Connecticut's future, which shall consist of seven members. The governor, subject to the approval of the general assembly, shall, on or before July 1, 1976, appoint four members for terms of one year commencing July 1, 1976, and three members for terms of two years, commencing July 1, 1976. Thereafter members shall be appointed on or before July first of the year in which vacancies shall occur to serve for two years from said July first to replace those whose terms expire.

(b) The commission shall elect a chairman from among its members and shall adopt such rules of procedure as are necessary to carry out its functions. The members of said commission shall serve without compensation and shall not be reimbursed for actual and necessary expenses. The commission shall fund its operations through voluntary contributions of funds or services.

(P.A. 76-215, S. 1, 3.)

Sec. 16a-35. Duties, studies and reports.

(a) Said commission shall study and forecast the effects on Connecticut of technological and physiological advances as well as increasing business and population requiring higher density use over the next centuries. The commission shall also assist and coordinate the plans of public and private agencies and stimulate awareness of scientific and social changes and their effect on the economic, political, cultural and social systems and environment of Connecticut.

(b) Said commission shall conduct local, regional and statewide hearings at which individuals, businesses and others will have the opportunity to express their thoughts as to what socio-economic and environmental stature the state of Connecticut should encompass on or about the year 2000, and the year 2100.

(c) Said commission shall report to the general assembly not later than February 15, 1978, and biennially thereafter.

(P.A. 76-215, S. 2, 3.)

Sec. 17-38. Ill treatment of children.

Whenever it is found that any child is not properly treated in any such family home or that any such home is not a suitable one and is of such character as to jeopardize the welfare of any child so placed therein, the commissioner of social services, upon being satisfied of the ill treatment of the child or the unsuitableness of the home, shall remove the child from such home and take such further action as is necessary to secure the welfare of the child.

(1949 Rev., S. 2633; 1955, S. 1468d.)

Sec. 17-137k. Interpreters for deaf persons in public proceedings.

(a) In any criminal or civil action involving a deaf person, the court shall make a request to the commission on the deaf and hearing impaired to appoint a qualified interpreter to assist such person throughout such proceeding.

(b) In any proceeding before an administrative or executive board, commission, agency, bureau, committee or other body of the state or any of its political subdivisions involving a deaf person, such body shall make a request to the commission on the deaf and hearing impaired to appoint a qualified interpreter to assist such person throughout such proceeding.

(P.A. 73-482, S. 1--3; P.A. 76-211, S. 1, 4.)

Sec. 17-137o. Powers to receive monies, make contracts.

(a) The commission may receive monies from any source, including gifts, grants, bequests and reimbursements which monies may be expended for the purposes designated by the donor or to effectuate the provisions of sections 17-137k to 17-137r, inclusive.

(b) The commission is empowered to expend its appropriation and receipts to initiate and support the provisions of said sections by contract or other arrangement and to contract for and engage consultants.

(P.A. 74-252, S. 4, 11; P.A. 76-211, S. 2, 4.)

Sec. 17-137p. Commission to administer funds for interpreters.

Funds appropriated to the commission to carry out the provisions of section 17-137k shall be distributed by the commission to the interpreter appointed in accordance with the provisions of said section. The court, administrative or executive board, commission, agency, bureau, committee or other body of the state or any political subdivision requesting the appointment of an interpreter in accordance with the provisions of said section shall reimburse the commission for the actual cost, including travel expenses, of such interpreter.

(P.A. 74-252, S. 5, 11; P.A. 76-211, S. 3, 4.)

Sec. 17-259. *Compact administrators.

Pursuant to said compact, the governor is authorized to designate a compact administrator for mentally ill adults, a compact administrator for mentally ill children and youth under the age of eighteen and a compact administrator for the mentally deficient who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrators shall serve subject to the pleasure of the governor. The compact administrators are directed to cooperate with all departments, agencies and officers of the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder, and the compact administrators are hereby directed to consult with the immediate family of any proposed transferee and, in the case of a proposed transferee from an institution in this state to an institution in another party state, to take no final action without approval of the court of common pleas in the state of Connecticut. On the admission of any such transferee to an institution in this state, the procedure outlined in section 17-293 shall be followed.

(November, 1955, S. N187; 1957, P.A. 320; P.A. 76-39, S. 1, 2.)

***See P.A. 76-436, S. 368 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 17-292b. Committee to hear town grievances.

There shall be a committee consisting of three members of the house of representatives, appointed by the speaker of the house, not more than two of whom shall be members of the same political party, and three members of the senate, appointed by the president pro tempore of the senate, not more than two of whom shall be members of the same political party, to hear grievances from the towns in regard to claims for reimbursement of expenditures for general assistance in accordance with section 17-292. Said committee shall meet at such times as is warranted and the towns shall be notified as to the date and place of such meetings. Said committee shall keep a record of the grievances presented and report to the general assembly at each regular session thereof.

(February, 1965, P.A. 423; 1971, P.A. 87; P.A. 76-434, S. 4, 12.)

Sec. 17-440. Rights of children and youth under the supervision of the commissioner of children and youth services.

(a) No child or youth placed or treated under the direction of the commissioner of children and youth services in any public or private facility shall be deprived of any personal, property or civil rights, except in accordance with due process of law.

(b) Each child or youth placed or treated under the direction of the commissioner of children and youth services in any public or private facility shall receive humane and dignified treatment at all times, with full respect for his personal dignity and right to privacy, consistent with his treatment plan as determined by the commissioner.

(c) (1) Each child and youth shall be permitted to communicate with any individual, group or agency, consistent with his treatment objectives as determined by the commissioner of children and youth services.

(2) Each public or private facility under the direction of the commissioner of children and youth services shall furnish writing materials and postage to any child or youth desiring them.

(3) A child or youth shall be permitted to make or receive telephone calls to or from his attorneys at any reasonable time. Public telephones shall be made available in appropriate locations.

(d) (1) The commissioner of children and youth services shall adopt regulations, in accordance with chapter 54, with respect to each facility or institution under his jurisdiction, to specify the following: (1) When a child or youth may be placed in restraint or seclusion or when force may be used upon a child or youth; (2) when the head of a facility may limit the use or receipt of mail by any child or youth and a procedure for return of unopened mail and (3) when the head of a facility may restrict the use of a telephone by any child or youth.

(2) A copy of any order placing a child or youth in restraint or seclusion in accordance with the regulations adopted in subsection (1) of this section shall be made a part of the child's or youth's permanent clinical record. Any special restriction on the use or receipt of mail or telephone calls made in accordance with the regulations adopted in subsection (1) of this section, shall be noted in writing, signed by the head of the facility, and made a part of the child's or youth's permanent clinical record.

(e) (1) Each child or youth shall be permitted to receive visitors subject to reasonable restrictions consistent with the child's or youth's treatment objectives. The head of each facility shall establish visiting hours and inform all children and youth and their families and other visitors of these hours. Any special restriction shall be noted in writing, signed by the head of the facility, and made a part of the child's or youth's permanent clinical record.

(2) Each child or youth may receive his clergyman and attorney at any reasonable time.

(f) No person shall be denied employment, housing, civil service rank, any license or permit, including a professional license, or any other civil or legal right, solely because of a present or past placement with the commissioner of children and youth services except as otherwise provided by statute.

(g) Each child or youth under the supervision of the commissioner of children and youth services shall have the right to counsel of his own choosing, and the right to receive visits from physicians and mental health professionals as may be arranged by his counsel.

(h) Each child or youth shall have a right to a hearing pursuant to procedures adopted by the commissioner, in accordance with sections 4-177 to 4-181, inclusive, before he is involuntarily transferred by the commissioner of children and youth services to any facility outside the state of Connecticut.

(i) Any child or youth aggrieved by a violation of subsections (a) to (h), inclusive, of this section, may petition the juvenile court for the district within which the child or youth is or resides for appropriate relief, including temporary and permanent injunctive relief.

(P.A. 75-538, S. 1--9.)

Sec. 17-441. Establishment of a special school district in the department of children and youth services.

(a) The commissioner of children and youth services shall establish a special school district within the department of children and youth services, for the education or assistance of any child or youth who resides in any state operated institution or facility within that department and whose needs require that his education be provided within the institution in which he resides. The commissioner of children and youth services shall administer, coordinate and control the operations of said special school district and shall be responsible for the overall supervision and direction of all courses and activities of said special school district and shall establish such vocational and academic education, research and statistics, training and development services and programs as he considers necessary or advisable in the best interests of the persons benefitting therefrom. The commissioner or his designee shall be the superintendent of said district and shall act in accordance with the applicable provisions of section 10-157.

(b) The superintendent of said special school district shall have the power to (1) establish and maintain within the department of children and youth services such schools of different grades as he may from time to time require and deem necessary; (2) establish and maintain within the department such school libraries as may from time to time be required in connection with the educational courses, services and programs authorized by this section; (3) purchase, receive, hold and convey personal property for school purposes and equip and supply such schools with necessary furniture and other appendages; (4) make agreements and regulations for the establishing and conducting of the district's schools and employ and dismiss, in accordance with the applicable provisions of section 10-151, such teachers as are necessary to carry out the intent of this section and to pay their salaries; (5) receive any federal funds or aid made available to the state for such programs and shall be eligible for and may receive any other funds or aid whether private, state or otherwise, to be used for the purposes of this section.

(c) The superintendent of said special school district may cooperate with the federal government in carrying out the purposes of any federal law pertaining to the education of students within his school district, and may adopt such methods of administration as are found by the federal government to be necessary, and may comply with such conditions as may be necessary to secure the full benefit of all such federal funds available.

(d) The commissioner of children and youth services shall annually evaluate the progress and accomplishments of the school district established in accordance with subsection (a) of this section. Said commissioner shall submit annual evaluation reports to the secretary of the state board of education in order to apprise the state board of education of the true condition, progress and needs of said school district. Said commissioner shall follow procedures adopted by the secretary of the state board of education in preparation of annual evaluation reports.

(P.A. 75-539, S. 1--3, 4.)

Sec. 17-443. Youth service systems.

(a) For the purposes of this section, "youth" shall mean a person from birth to eighteen years of age. Any one or more municipalities or any one or more private youth serving organizations, designated to act as agents of one or more municipalities, may establish a multi-purpose youth service system for the purposes of evaluation, planning, coordination and implementation of services for delinquent, pre-delinquent and troubled youth referred to such system by schools, police, juvenile courts, local youth serving agencies, parents and self-referrals by needy youth.

(b) A youth service system established pursuant to subsection (a) of this section may provide, but shall not be limited to the delivery of, the following services: (1) Individual and group counseling; (2) parent training and family therapy; (3) work placement and employment counseling; (4) alternative and special educational opportunities; (5) recreational and youth enrichment programs and (6) outreach programs to insure participation and planning by the entire community for the development of youth services. Such services shall be designed to meet the needs of troubled youth by the diversion of such youth from the justice system as well as by the provision of opportunities for youth to function as responsible members of their communities.

(c) The department of children and youth services, in cooperation with the Connecticut youth services association, shall continue to develop regulations for the operation of youth service systems.

(P.A. 76-127, S. 1--3, 5.)

Sec. 19-4d.

Transferred to Chapter 366, Sec. 19-571.

Sec. 19-4f.

Transferred to Chapter 366, Sec. 19-573.

Sec. 19-30c. State aid for family practice residency programs. Regulations.

Upon application to The University of Connecticut Health Center, any licensed community hospital in the state may receive annually from the state a grant for the improvement and expansion of existing family practice residency programs in such licensed community hospital.

(P.A. 75-433, S. 1, 2; P.A. 76-434, S. 6, 12.)

Sec. 19-380a. Schoolhouses; construction.

Section 19-380a is repealed.

(1961, P.A. 99, S. 2; 1971, P.A. 159; 802, S. 12.)

Sec. 19-381. Fastening of doors in schoolhouses.

No door leading from a schoolroom into a hall or corridor or from a hall or corridor out of the building shall, during school hours, be locked or bolted or secured in any other manner than by a spring which will readily yield to pressure from the inside.

(1949 Rev., S. 4090.)

Sec. 19-382. Fire alarms in schoolhouses.

There shall be placed in a hall or corridor of each schoolhouse an alarm consisting of a bell or gong arranged or equipped so as to be sounded from at least one convenient station or place upon each floor and of sufficient size and volume of tone to be distinctly heard in each room when sounded. In the absence of such alarm, there shall be placed in each room an alarm consisting of a bell or gong of sufficient volume to be heard throughout the room where placed, all of which alarms shall be arranged or equipped so as to be sounded simultaneously from the same station or place. At least one of such stations or places shall be conveniently located in a hall or corridor upon each floor.

(1949 Rev., S. 4091.)

Sec. 19-383. Penalties.

Any janitor, teacher or other person who violates any provision of section 19-381 and each member of a board of education, school or building committee, or official who is charged with the duty of planning, contracting for or building a public schoolhouse, who plans or contracts for, or participates in contracting for, or votes to build, or builds such schoolhouse in violation of any of the provisions of section 19-382 shall be fined not more than three hundred dollars or imprisoned not more than three months or both.

(1949 Rev., S. 4092; February, 1965, P.A. 574, S. 28; 1971, P.A. 802, S. 3.)

Sec. 19-384a. Stairways and fire escapes for schoolhouses.

Each story above the first story of a building used in whole or part on January 1, 1961, as a schoolhouse shall be provided with not less than two remote means of egress by enclosed stairways on the inside, properly segregated from the corridors at all floor levels, or approved fire escapes on the outside of such building. Such stairways and fire escapes and passageways providing access thereto shall be constructed, designed, maintained and located in accordance with regulations issued under the provisions of the fire safety code covering existing schools established in accordance with section 29-40, which regulations shall provide for free and unobstructed egress from all parts of such building when the building is occupied, and shall avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from such building in case of fire or other emergency, provided no school building shall be constructed and no building shall be converted to school purposes and no addition shall be made to an existing school building after January 1, 1961, except in conformity with the provisions of the fire safety code covering new schools established in accordance with section 29-40.

(1959, P.A. 662, S. 1.)

Sec. 19-385a. Condemnation of nonconforming building.

Any school building constructed after January 1, 1961, which is not equipped with exits in accordance with the provisions of section 19-384a shall be condemned and shall not thereafter be used for school purposes until said provisions have been complied with. If any such building is used for school purposes after being so condemned, the officials in charge of such building shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(1959, P.A. 662, S. 2.)

Sec. 19-386. Stairways and fire escapes on certain buildings.

Each story of a building used in whole or in part as a schoolhouse, orphan asylum, hospital, hospital for mental illness, reformatory, opera house, hall for public assemblies, hotel, boarding or lodging house accommodating five or more persons, or tenement house occupied by more than two families or as a store in which more than six persons are employed or of a building used in any way not named above except a workshop or manufactory but which has a similar need of such protection, shall be provided with not less than two remote means of egress. Each story above the first story of each such building shall be provided with not less than two remote means of egress by stairways on the inside or fire escapes on the outside of such building. Such stairways and fire escapes and passageways providing access thereto shall be constructed, designed, maintained and located in accordance with regulations issued under the provisions of section 29-40, which regulations shall provide for free and unobstructed egress from all parts of such building when the building is occupied and shall avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from such building in case of fire or other emergency. No locks or other fastenings to prevent free escape from the inside of such building shall be installed except in mental, correctional or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency. A ladder affixed to any of the premises herein described shall not be considered a fire escape within the meaning of this section. This section shall not apply to any building used for residence or business which conforms to the stairway, fire escape and egress requirements of the state building code and state fire safety code.

(1949 Rev., S. 4096; 1957, P.A. 516, S. 15; 1959, P.A. 506, S. 1; 1971, P.A. 802, S. 4.)
See Sec. 19-394.
Cited. 115 C. 439. Statute applied with regard to liability of owner. 129 C. 403.

This section falls within police power of the state. 7 CS 154. Tenant in possession as owner. Id. No action against building inspector for failure to enforce this section. Id., 318. Single stairway arrangement discussed. 12 CS 171.

Sec. 19-444. Drug advisory council.

(a) There shall be a drug advisory council consisting of the following persons appointed by the governor: A state's attorney, two physicians representing the Connecticut State Medical Society, one representative from the Connecticut District Branch of the American Psychiatric Association, one representative from the Connecticut Hospital Association, two pharmacists representing the Connecticut Pharmaceutical Association, one pharmacologist and six electors of the state. On or before July first annually, the governor shall appoint members to said council to succeed those whose terms expire to serve for terms of three years each and until their successors are appointed and have qualified. In each year when representatives of the Connecticut State Medical Society, the Connecticut District Branch of the American Psychiatric Association, the Connecticut Hospital Association or the Connecticut Pharmaceutical Association are to be appointed, said society or association, as the case may be, shall submit a list of nominees for appointment to the governor. The members of the drug council shall be ex officio, nonvoting members of the drug advisory council. Members of the drug advisory council shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties. The governor shall appoint the chairman of the drug advisory council. The commissioner of mental health shall provide within his department such fiscal and clerical services as said council may require.

(b) The drug advisory council shall advise the drug council in the development and implementation of the Connecticut comprehensive plan for drug abuse prevention. Said drug advisory council shall comment on said plan and the suggested funding for said plan.

(1967, P.A. 555, S. 2; 1969, P.A. 753, S. 3; 1971, P.A. 818, S. 7; P.A. 73-208, S. 2, 8.)
See Sec. 4-10.

Sec. 19-444a. Drug council.

There shall be a drug council consisting of the commissioner of health, the commissioner of mental health, the program chief of the alcohol and drug dependence division of the department of mental health, the commissioner of social services, the commissioner of state police, the commissioner of consumer protection, the commissioner of correction, the commissioner of children and youth services, the secretary of the state board of education, the chief judge of the court of common pleas, the director of adult probation, the executive director of the Connecticut justice commission and the executive director of the drug council, or their designees, who shall have full voting rights. The commissioner of mental health shall be the chairman of the drug council. The council shall be within the department of mental health for fiscal and budgetary purposes. Members of the council shall serve without compensation for their services thereon, but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

(P.A. 73-208, S. 1, 8; P.A. 75-523, S. 4, 8; 75-567, S. 26, 80; P.A. 76-62.)

Sec. 19-444b. Executive director of drug council. Staff.

(a) There shall be an executive director of the council, appointed by the commissioner of mental health, after consultation with the council.

(b) The executive director shall employ necessary staff for the drug council subject to the provisions of chapter 67, and shall be responsible for the operation of the staff. He shall prepare reports to the drug council. He shall be responsible for evaluation and comprehensive statewide planning for drug programs in the education, prevention, care-giving, substance control, law enforcement, research and training areas. He shall assist the drug council by: (1) Identifying the drug abuse needs; (2) establishing priorities for drug related projects and programs; (3) supervising the conduct of limited research directly related to the state's own needs and problems; (4) formulating state guidelines and conducting information and technology transfer operations; (5) reviewing and coordinating all federal grant applications for drug related projects and program funding; (6) supervising and coordinating drug regulatory functions which are administered by and under the control of the several member agencies; and (7) performing such other functions and duties as are necessary to carry out the purposes of sections 19-444 to 19-448, inclusive.

(P.A. 73-208, S. 7, 8; P.A. 75-523, S. 5, 8.)

Sec. 19-445. Duties of drug council. Receipt of federal funds.

The drug council shall prepare and further develop the Connecticut comprehensive plan for drug abuse prevention. It shall supervise the administration and implementation of the state plan and shall coordinate all drug abuse treatment and prevention programs in the state. The drug council shall engage in a study of laws relating to controlled drugs and particularly the control of traffic therein and the laws and facilities respecting the handling and treatment of drug-dependent persons. It shall, on or before January thirty-first, annually, report to the governor, and the general assembly, the results of its studies and recommendations for such executive and legislative action as it finds beneficial to the public interest. The drug council may engage expert advisers and assistants for making its studies and formulating its recommendations who may serve without compensation or, to the extent that funds may be made available by appropriation or allocation by the state department of mental health or by federal funds, the drug council may pay for such expert advisers and assistance. The department of mental health shall act as the single state agency for the receipt and disbursement of federal funds under the laws of the United States requiring a single agency to administer and distribute moneys for programs relating to drug-dependent persons and within said department, the council shall prepare the state plan for such activities.

(1967, P.A. 555, S. 3; P.A. 73-208, S. 3, 8; P.A. 75-523, S. 6, 8.)

Sec. 19-446. Meetings. Coordination of affected departments. Disagreements. Educational programs.

The drug council shall meet at least quarterly and shall have the responsibility for insuring effective coordination between the affected departments in their activities relating to controlled drugs. Said departments shall cooperate fully with the drug council and provide all information necessary for its deliberations. Said departments shall advise the members of the drug council of any proposed changes in policy and of proposed regulations relating to such drugs, and the drug council shall be available to said departments for coordination of matters relating to such drugs. If a department disagrees with the recommendation of the drug council, the governor shall review the matter and make the ultimate determination as to the course of action to be followed. The several departments represented by the commissioners and the director of adult probation shall report to the drug council annually, not later than the first day of October, concerning their activities in the area of controlled drugs. The drug council shall establish a task force to stimulate, promote and participate in educational programs relative to the use of alcohol, nicotine or tobacco and controlled drugs. It shall coordinate the educational activities of, and obtain assistance from, the several state departments which provide educational programs in these subject areas.

(1967, P.A. 555, S. 4; 1969, P.A. 753, S. 36; P.A. 73-208, S. 4, 8.)
See Sec. 10-19.

Sec. 19-447. Hearings. Subpoenas.

In the performance of its duties the drug council may hold hearings, issue subpoenas, administer oaths, compel testimony and order the production of books, papers and records.

(1967, P.A. 555, S. 5; P.A. 73-208, S. 5, 8.)

Sec. 19-448. Cooperation of commissioners of health and consumer protection.

Section 19-448 is repealed.

(1967, P.A. 555, S. 76, P.A. 73-208, S. 6; 73-681, S. 27, 29.)

Sec. 19-449. Prior regulations continued.

Regulations promulgated under chapter 344 of the general statutes, revision of 1958, as amended, and chapters 344a and 344b of the 1965 supplement thereto, in effect on October 1, 1967, shall, unless clearly in conflict with the provisions of this chapter, continue in effect until superseded by regulations hereunder.

(1967, P.A. 555, S. 79.)

PART II

CONTROL

Sec. 19-450. Hospital defined.

Section 19-450 is repealed.

(1967, P.A. 555, S. 6; 1972, P.A. 278, S. 31.)

Sec. 19-450a. Schedules. Exceptions.

The controlled substances listed in the schedules in this section are included by whatever official, common, usual, chemical, or trade name designated.

(a) The controlled substances listed in this subsection are included in Schedule I:

(A) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation: (1) Acetylmethadol; (2) Allylprodine; (3) Alphacetylmethadol; (4) Alphameprodine; (5) Alphamethadol; (6) Benzethidine; (7) Betacetylmethadol; (8) Betameprodine; (9) Betamethadol; (10) Betaprodine; (11) Clonitazene; (12) Dextromoramide; (13) Dextrorphan; (14) Diampromide; (15) Diethylthiambutene; (16) Dimenoxadol; (17) Dimepheptanol; (18) Dimethylthiambutene; (19) Dioxaphetylbutyrate; (20) Dipipanone; (21) Ethylmethylthiambutene; (22) Etonitazene; (23) Etoxeridine; (24) Furethidine; (25) Hydroxypethidine; (26) Ketobemidone; (27) Levomoramide; (28) Levophenacylmorphan; (29) Morpheridine; (30) Noracymethadol; (31) Norlevorphanol; (32) Normethadone; (33) Norpipanone; (34) Phenadoxone; (35) Phenampromide; (36) Phenomorphan; (37) Phenoperidine; (38) Piritramide; (39) Proheptazine; (40) Properidine; (41) Racemoramide; (42) Trimeperidine.

(B) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: (1) Acetorphine; (2) Acetyldihydrocodeine; (3) Benzylmorphine; (4) Codeinemethylbromide; (5) Codeine-N-Oxide; (6) Cyprenorphine; (7) Desomorphine; (8) Dihydromorphine; (9) Etorphine; (10) Heroin; (11) Hydromorphinol; (12) Methyldesorphine; (13) Methyldihydromorphine; (14) Morphinemethylbromide; (15) Morphinemethylsulfonate; (16) Morphine-N-Oxide; (17) Myrophine; (18) Nicocodeine; (19) Nicomorphine; (20) Normorphine; (21) Phoclodine; (22) Thebacon.

(C) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) 3,4-methylenedioxy amphetamine; (2) 5-methoxy-3,4-methylenedioxy amphetamine; (3) 3,4,5-trimethoxy amphetamine; (4) Bufotenine; (5) Diethyltryptamine; (6) Dimethyltryptamine; (7) 4-methyl-2,5-dimethoxylamphetamine; (8) Ibogaine; (9) Lysergic acid diethylamide; (10) Marihuana; (11) Mescaline; (12) Peyote; (13) N-ethyl-3-piperidyl benzilate; (14) N-methyl-3-piperidyl benzilate; (15) Psilocybin; (16) Psilocyn; (17) Tetrahydrocannabinols.

(b) The controlled substances listed in this subsection are included in Schedule II:

(A) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis: (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate; (2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium; (3) opium poppy and poppy straw; (4) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(B) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation: (1) Alphaprodine; (2) Anileridine; (3) Bezitramide; (4) Dihydrocodeine; (5) Diphenoxylate; (6) Fentanyl; (7) Isomethadone; (8) Levomethorphan; (9) Levorphanol; (10) Metazocine; (11) Methadone; (12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane; (13) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; (14) Pethidine; (15) Pethidine-Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine; (16) Pethidine-Intermediate--B, ethyl-4-phenylpiperidine-4-carboxylate; 4-phenylpiperidine-4-carboxylate; (17) Pethidine--Intermediate--C, 1-methyl 4-phenylpiperidine-4-carboxylic acid; (18) Phenazocine; (19) Piminodine; (20) Racemethorphan; (21) Racemorphan; (22) Methaqualone.

(C) Unless excepted or placed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system: (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers; (2) any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers; (3) Methylphenidate; (4) Phenmetrazine and its salts.

(D) Repealed by P.A. 74-338, S. 32.

(c) The controlled substances listed in this subsection are included in Schedule III:

(A) Unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules; (2) Chlorhexadol; (3) Glutethimide; (4) Lysergic acid; (5) Lysergic acid amide; (6) Methyprylon; (7) Phencyclidine; (8) Sulfondiethylmethane; (9) Sulfonethylmethane; (10) Sulfonmethane.

(B) Nalorphine.

(C) Any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof: (1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium; (2) not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (3) not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; (4) not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (5) not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (6) not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts; (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (8) not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(D) The commissioner of consumer protection may except by regulation any compound, mixture or preparation containing any stimulant or depressant substance listed in subdivisions (A) and (B) from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combination, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(d) The controlled substances listed in this subsection are included in Schedule IV:

(A) Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: (1) Barbital; (2) Chloral betaine; (3) Chloral hydrate; (4) Ethchlorvynol; (5) Ethinamate; (6) Methohexital; (7) Meprobamate; (8) Methylphenobarbital; (9) Paraldehyde; (10) Petrichloral; (11) Phenobarbital.

(B) The commissioner of consumer protection may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision (A) from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

(e) The controlled substances listed in this subsection are included in Schedule V:

Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contain one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone: (1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams; (2) not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams; (3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams; (4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; (5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(f) In the event of any inconsistencies between the contents of schedules I, II, III, IV and V in subsections (a) to (e), inclusive, of this section and schedules I, II, III, IV and V of the Federal Controlled Substances Act, as amended, the provisions of the federal act shall prevail.

(1972, P.A. 278, S. 30; P.A. 73-221, S. 1, 2; 73-616, S. 17, 67; 73-681, S. 2, 29; P.A. 74-338, S. 32, 94; P.A. 75-318.)

Cited. 30 CS 267. Cited. 31 CS 136.

Sec. 19-451. Regulations.

(a) The commissioner of consumer protection shall adopt and promulgate regulations for the efficient enforcement and operation of sections 19-450a to 19-482, inclusive.

(b) Said commissioner of consumer protection may, so far as may be consistent with said sections 19-450a to 19-482, inclusive, adopt and promulgate the regulations existing under the federal controlled substances act and pertinent regulations existing under the federal food and drug laws and conform regulations promulgated hereunder with those existing under the federal controlled substances act and federal food and drug laws.

(c) Said commissioner of consumer protection acting upon the advice of the commission of pharmacy as to controlled substances may by regulation designate, after investigation, as a controlled substance, a substance or chemical composition containing any quantity of a substance which has been found to have a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and having a tendency to promote abuse or physiological or psychological dependence or both. Such substances are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant substances, and specifically exclude alcohol, caffeine and nicotine.

(d) A new or amended regulation under this chapter shall be adopted pursuant to sections 4-166 to 4-174, inclusive.

(1967, P.A. 555, S. 7; 737; 1969, P.A. 753, S. 4; 1972, P.A. 278, S. 2; P.A. 73-681, S. 3, 29.)

Robinson v. California (370 US 660) does not mean that states may not control use of drugs by suitable penal provisions. 28 CS 153. Cited. 30 CS 367.

Cited. 6 Conn. Cir. Ct. 567.

Sec. 19-452. Manufacture, sale, administering of restricted substances regulated.

No person shall manufacture, possess, have under his control, sell, prescribe, dispense, compound, process, deliver or administer to another person any restricted substance, except as authorized in this chapter and section 10-212a, except that no vendor of the volatile substances enumerated in subdivision (49) of section 19-443 shall be deemed to have violated the provisions of this chapter insofar as sale, dispensing or delivering of one or more of said volatile substances or compounds containing said chemical substances is concerned, unless he knew or should have known of the improper purpose to which such substance was to be put. Insofar as substances containing said substances are possessed, sold, dispensed, compounded or delivered for licit purposes, i.e., other than to produce a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system by breathing, inhaling, sniffing or drinking, such substances are expressly not restricted and neither the regulatory provisions, including but not limited to record keeping, licensing and the writing of prescriptions nor the criminal sanctions and proscriptions of this chapter shall apply.

(1967, P.A. 555, S. 8; 1969, P.A. 391, S. 2; 723, S. 2; 1972, P.A. 278, S. 3.)

Annotations to former section 19-246: Cited. 147 C. 22. Discussed. 148 C. 57. Cited. 165 C. 83. 166 C. 439. Cited. 22 CS 9, 268; 23 CS 18, 19, 81, 480; 24 CS 37, 145; 29 CS 134.

Defendant's motion to quash information charging possession in violation of this (act) chapter denied where crime was sufficiently alleged in the information. 5 Conn. Cir. Ct. 134.

CHAPTER 506

VETERANS
PART I

GENERAL PROVISIONS

Sec. 27-103. Definitions.

(a) As used in the general statutes, except chapter 504, and except as otherwise provided: (1) "Armed forces" means the United States army, navy, marine corps, coast guard and air force; (2) "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the armed forces; (3) service in time of war shall be service during the Spanish-American war, April 21, 1898, to August 13, 1898; the Philippine insurrection, August 13, 1898, to July 4, 1902, but as to engagements in the Moro Province, to July 15, 1903; the Boxer rebellion, June 20, 1900, to May 12, 1901; the Cuban pacification, September 12, 1906, to April 1, 1909; the Nicaraguan campaign, August 28, 1912, to November 2, 1913; the Haitian campaign, July 9, 1915, to December 6, 1915; the punitive expedition into Mexico, March 10, 1916, to April 6, 1917; World War I, April 6, 1917, to November 11, 1918, but as to service in Russia, to April 1, 1920; World War II, December 7, 1941, to December 31, 1946; and the Korean hostilities, June 27, 1950, to October 27, 1953; and shall include service during the Vietnam era, January 1, 1964, to July 1, 1975; and shall include service during such periods with the armed forces of any government associated with the United States.

(b) As used in this part, "home" mean the veterans' home and hospital maintained by the state; "hospital" means any incorporated hospital or tuberculosis sanatorium in the state and any state chronic disease hospital, mental hospital or training school for the mentally retarded, and "veteran" means any veteran who served in time of war, as defined by subsection (a), and who is a resident of this state, provided, if he was not a resident or resident alien of this state at the time of enlistment or induction into the armed forces, he shall have resided continuously in this state for at least two years.

(1949 Rev., S. 2925; September, 1950, 1953, S. 1635d; 1957, P.A. 163, S. 29; **February, 1965, P.A. 157, S. 2; 1969, P.A. 163, S.** 1; P.A. 75-483, S. 2, 10.)

Sec. 31-13b. Visible clock required as part of time card system.

On and after January 1, 1977, no employer, private, municipal or state, shall use a time card system, recording clock or other device intended to record the work time of an employee unless such system, clock or device has incorporated within it a clock which is synchronized with such system, clock or device and which is displayed so as to be easily visible.

(P.A. 76-87.)

CHAPTER 563*

FAIR EMPLOYMENT PRACTICES

*Provision for commission to initiate its own proceedings if violation has occurred. 166 C. 226.
Not unfair employment practice to require all employees to work factory shift although it interfered with complainant's religious sabbath. 28 CS 341.

Sec. 31-122. Definitions.

When used in this chapter, (a) "court" means the court of common pleas, or, if said court is not in session, any judge of said court; (b) "person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof; (c) "employment agency" means any person undertaking with or without compensation to procure employees or opportunities to work; (d) "labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment; (e) "unfair employment practice" means only any unfair employment practice specified in section 31-126; (f) "employer" includes the state and all political subdivisions thereof and means any person or employer with three or more persons in his employ; (g) "employee" means any person employed by an employer but shall not include any individual employed by his parents, spouse or child, or in the domestic service of any person; (h) "commission" means the commission on human rights and opportunities created by section 31-123; (i) "commissioner" means a member of the commission on human rights and opportunities; (j) "discrimination" includes segregation and separation.

(1949 Rev., S. 7401; 1959, P.A. 145, S. 1; 1967, P.A. 253; 636, S. 5, 6; P.A. 75-350, S. 1; P.A. 76-96, S. 1, 2.)

Cited. 153 C. 173. Cited. 163 C. 327. Subsection(b) A corporation is not privileged under this chapter to do what an individual is precluded from doing. 168 C. 26. Subsection(f). Cited. 168 C. 26. Subsection(j). Segregating employment opportunity advertisements into sex classifications constitutes discrimination. 168 C. 26.

Court cannot substitute its own discretion for that reposed by statute in hearing tribunal. 18 CS 125. Cited. 28 CS 472.

Sec. 31-123. Commission on human rights and opportunities. Appointment. Duties.

The commission shall consist of twelve persons appointed by the governor. On or before July fifteenth, annually, the governor shall appoint members, each to serve for a term of five years to succeed those whose terms expire. The members of the commission shall choose, annually, from their number, a chairman and a deputy chairman. The commission shall investigate the possibilities of affording equal opportunity of profitable employment to all persons, with particular reference to job training and placement. The commission shall compile facts concerning discrimination in employment, violations of civil liberties and other related matters. The commission shall investigate and proceed in, as provided in sections 31-124 to 31-128, inclusive, all cases of discrimination in employment because of race, color, religion, sex, age, marital status, physical disability, blindness, national origin or ancestry. The commission shall, as provided in section 4-60, report to the governor the result of its investigations with its recommendations for the removal of such injustices as it may find to exist. Except as provided in section 31-124, the members of the commission shall serve without pay, but their reasonable expenses, including necessary stenographic and clerical help, shall be paid by the state upon approval of the commissioner of finance and control.

(1949 Rev., S. 7400, 7402; September, 1957, P.A. 11, S. 13; 1959, P.A. 145, S. 2; 1967, P.A. 426, S. 1; 636, S. 7; P.A. 74-57, S. 1, 2, P.A. 75-446, S. 1.)

Cited. 153 C. 173. Cited. 163 C. 327. Cited. 28 CS 472.

Sec. 31-124. Hearing examiners, appointment, powers. Compensation of commissioners and examiners.

There shall be twenty-five hearing examiners, all of whom shall be admitted to practice law in this state. On or before July 1, 1973, the governor shall appoint thirteen hearing examiners, five for a term of five years, two for a term of four years, two for a term of three years, two for a term of two years and two for a term of one year from said July first. On or before July first, annually thereafter, the governor shall appoint five hearing examiners, each to serve for a term of five years, to succeed those whose terms expire. Each such examiner and each commissioner shall receive seventy-five dollars per day for each day on which he or she conducts hearings and, upon presentation of adequate documentation, compensation in the amount of seventy-five dollars per day prorated for such time during each day on which such examiner or commissioner is not conducting hearings but is engaged in the preparation of findings, decisions, orders or rulings, and their reasonable expenses, including necessary stenographic and clerical help, shall be paid by the state upon approval of the commissioner of finance and control. When serving as a member of a hearing tribunal as hereinafter provided, each hearing examiner shall have the same subpoena powers as are granted to commissioners by subsection (f) of section 31-125.

(1949 Rev., S. 7403; 1969, P.A. 656, S. 1; 1971, P.A. 547, S. 2; P.A. 73-444, S. 1, 3; P.A. 74-44; 74-338, S. 13, 94.)

Cited. 153 C. 173. Cited. 163 C. 327

Sec. 31-125. Powers of the commission.

The commission shall have the following powers and duties: (a) To establish and maintain such offices as the commission may deem necessary; (b) to appoint such investigators and other employees and agents as it deems necessary, fix their compensation within the limitations provided by law and prescribe their duties; (c) to adopt, publish, amend and rescind regulations consistent with and to effectuate the provisions of this chapter; (d) to recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the policies of this chapter; (e) to receive, initiate, investigate and mediate complaints of unfair employment practices; (f) by itself or with or by hearing examiners, to hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question. The commission may make rules as to the procedure for the issuance of subpoenas by individual commissioners and hearing examiners. Contumacy or refusal to obey a subpoena issued pursuant to this section shall constitute contempt punishable, upon the application of the authority issuing such subpoena, by the superior court for the county in which the hearing is held or in which the witness resides or transacts business. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify; (g) to utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (h) with the cooperation of such agencies, (1) to study the problems of discrimination in all or specific fields of human relationships and (2) to foster through education and community effort or otherwise good will among the groups and elements of the population of the state; (i) to require the posting by an employer, employment agency or labor organization of such notices regarding statutory provisions as the commission shall provide, failure to post which shall be subject to a fine of not more than two hundred fifty dollars; (j) to require written answers to interrogatories relating to a complaint under investigation pursuant to sections 31-127, 36-348 or 53-36 alleging a violation of sections 31-126, 36-437, 53-35 or 53-35a. Upon failure of any person to answer such interrogatories the commission may file a petition with the interrogatories attached with the court of common pleas of the county or judicial district in which the violation is alleged to have occurred or where such person resides or transacts business, requesting the court to order that an answer be filed. The commission shall cause a copy of such petition to be sent by registered or certified mail to the person from whom such answers are sought or his legal representative. The court shall assume jurisdiction over such proceedings and may, after hearing, or in the absence of objection, enter an order which it deems appropriate. Such proceedings shall conform to the rules of practice of said court; (k) to enter into contracts for and accept grants of federal funds. From time to time, but not less than once a year, as provided in section 4-60, the commission shall report to the governor, making such recommendations as it deems advisable and describing the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work performed by it.

(1949 Rev., S. 7404; September, 1957, P.A. 11, S. 13; 1967, P.A. 210, S. 1; 715, S. 1; P.A. 75-216, S. 1, 2; 75-597.)
Regulations promulgated under this section cited. 153 C. 172. Cited. 153 C. 173. Cited. 163 C. 327.

Sec. 31-125a. Employment of counsel.

The commission on human rights and opportunities may employ as its counsel a member of the bar of this ztate who shall not be subject to the provisions of chapter 67 and who shall represent said commission in any proceeding wherein any state agency is an adversary party and may represent said commission in such other matters as the commission and the attorney general may jointly prescribe.

(1967, P.A. 715, S. 2.)

Sec. 31-126. Unfair employment practices.

It shall be an unfair employment practice

(a) For an employer, by himself or his agent, except in the case of a bona fide occupational qualification or need, because of the race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability, including, but not limited to, blindness of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against him in compensation or in terms, conditions or privileges of employment;

(b) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability, including, but not limited to, blindness;

(c) For a labor organization, because of the race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability, including, but not limited to, blindness of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;

(d) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any unfair employment practice or because he has filed a complaint or testified or assisted in any proceeding under section 31-127;

(e) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts herein declared to be unfair employment practices or to attempt to do so;

(f) For any employer, employment agency, labor organization or person, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, marital status, national origin, ancestry or physical disability, including, but not limited to, blindness;

(g) For an employer, by himself or his agent, (i) to terminate a woman's employment because of her pregnancy or (ii) to refuse to grant to said employee a reasonable leave of absence for disability resulting from such pregnancy or (iii) to deny to said employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by said employer. Upon signifying her intent to return, such employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

The provisions of this section as to age shall not apply to (1) termination of employment where the employee is thereupon entitled to benefits under the terms or conditions of any bona fide retirement or pension plan or collective bargaining agreement between the employer and a bona fide labor organization, provided any new employee shall be subject to all the provisions of any existing bona fide retirement or pension plan or collective bargaining agreement entered into between the employer and its employees, (2) operation of the terms or conditions of any bona fide retirement or pension plan, (3) operation of the terms or conditions of any bona fide group or employee insurance plan or (4) operation of any bona fide apprenticeship system or plan.

(1949 Rev., S. 7405; 1955, S. 3035d; 1959, P.A. 145, S. 3; 1963, P.A. 261; 1967, P.A. 426, S. 2; P.A. 73-279, S. 14; 73-647; P.A. 75-350, S. 2; 75-446, S. 2.)

See Secs. 1-1f, 28-17.

Cited. 140 C. 537; 153 C. 173; id., 652. Final judgement by arbitrators as to employment discrimination bears action. 163 C. 309. Cited. 163 C. 327. Cited. 165 C. 318, 325, 327. Sex classification in help wanted advertising constitutes a per se violation. 168 C. 26. Subsection(a). Sex discrimination is an unfair employment practice which newspapers are not allowed to promote. 168 C. 26. Subsection(e). A newspaper aids and abets sex discrimination by offering sex classifications in help wanted advertisements and commits an unfair employment practice. Bona fide occupational qualification exceptions are rare. 168 C. 26. Subsection(f). A corporation is a "person" and a newspaper corporation publishing an advertising section in sexsegregated columns is guilty of promoting the unfair employment practice of sex discrimination in hiring. 168 C. 26. Cited. 168 C. 504.

Purpose of statute is to eliminate discrimination in employment for specified reasons, and it is only within these prescribed reasons that the statute operates. 17 CS 93. See note to Sec. 31-127. Not unfair employment practice for corporation employer to require complainant to work regular factory shifts although this would require work on a religious sabbath. 28 CS 341.

Sec. 31-126a. Statutes re discrimination in compensation on account of sex not affected.

No provision of section 31-123 or 31-126 shall be construed to void or supersede the provisions of section 31-75.

(1967, P.A. 426, S. 3; P.A. 73-69.)
Cited. 27 CS 141.

Sec. 31-127. Procedure. Any person claiming to be aggrieved by an alleged unfair employment practice may, by himself or his attorney, make, sign and file with the commission a complaint in writing under oath, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unfair employment practice, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The commission, whenever it has reason to believe that any person has been engaged or is engaged in an unfair employment practice, may issue a complaint. Any employer whose employees, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the commission a written complaint under oath asking for assistance by conciliation or other remedial action. The submission of a claim to the arbitration process shall not bar a person from filing a complaint under this chapter and, in considering such claim, the commission and the hearing tribunal may admit in evidence any decision resulting from such arbitration and accord it such weight as may be appropriate under the facts and circumstances of the case. After the filing of any complaint, the chairman of the commission shall refer the same to a commissioner or investigator to make investigation of such complaint and, if such commissioner or investigator determines after such investigation that there is reasonable cause for believing that an unfair employment practice has been or is being committed as alleged in such complaint he shall endeavor to eliminate the unfair employment practice complained of by conference, conciliation and persuasion. In the conduct of such investigation the commission may issue subpoenas requiring the production of employment records relating to the complaint under investigation. No commissioner or investigator shall disclose what has occurred in the course of such endeavors, provided the commission may publish the facts in the case and any complaint which has been dismissed and the terms of concilation when a complaint has been adjusted. In case of failure to eliminate such practice, the investigator or investigating commissioner shall certify the complaint and the results of his investigation to the chairman of the commission and to the attorney general. The chairman of the commission shall thereupon appoint a hearing tribunal of one member of the commission or one hearing examiner to hear such complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as the respondent, to answer the charges of such complaint at a hearing before such tribunal, at a time and place to be specified in such notice. The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by the attorney general, who shall be counsel for the commission, or the counsel appointed under the provisions of section 31-125a, as the case may be; and no commissioner who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall he participate in the deliberations of the tribunal in such case. Any endeavors or negotiations for concilation shall not be received in evidence. The respondent may file a written answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The tribunal conducting any hearing may permit reasonable amendment to any complaint or answer and the testimony taken at such hearing shall be under oath and be transcribed at the request of any party. If, upon all the evidence, the tribunal finds that a respondent has engaged in any unfair employment practice, it shall state its findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair employment practice and further requiring such respondent to take such affirmative action, including, but not limited to, hiring or reinstatement of employees, with or without back pay, or restoration to membership in any respondent labor organization, as in the judgment of the tribunal will effectuate the purpose of this chapter, provided, liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of such complaint and, provided further, interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. If, upon all the evidence, the tribunal finds that the respondent has not engaged in any alleged unfair employment practice, it shall state its findings of fact and shall similarly issue and file an order dismissing the complaint. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure. Any complaint filed pursuant to this section must be so filed within one hundred and eighty days after the alleged act of discrimination.

(1949 Rev., S. 7406; 1959, P.A. 334; February, 1965, P.A. 576; 1967, P.A. 715, S. 3; 1971, P.A. 547, S. 1; P.A. 74-54; P.A. 75-27; 75-214, S. 1, 2; P.A. 76-141, S. 1, 2.)

Former limitation period of six months did not begin to run until expiration of period within which it could reasonably be expected that application would be acted upon. 140 C. 537. Where nothing in the record indicated consideration of commission's complaint by commission members, complaint did not contain the date of the alleged unfair practice as required by regulation and nowhere in the statement of facts, finding or conclusion of the hearing tribunal did it appear when the plaintiff was alleged to have committed the act charged, held the complaint and findings were defective and plaintiff's appeal from cease and desist order of commission's hearing tribunal should be sustained. 153 C. 174-176. Cited. Id., 652. Cited. 163 C. 327. Cited. 165 C. 318, 319, 322.

Order must be limited to unfair practice found to exist and should leave applicant free to determine whether or not he still seeks that employment; it should not be an affirmative order to employ the applicant. 17 CS 93. Former six months period of limitation cannot begin until the discrimination is established. 18 CS 131. Legislative intent was to impose mere administrative duty on chairman to appoint hearing tribunal after certification of complaint; no discretion involved; and only hearing tribunal can determine whether unfair employment practice exists. 27 CS 147, 148. Attorney general has no authority to overrule investigator's certification. Id. Cited. 28 CS 344.

Sec. 31-128. *Enforcement of orders. Appeals.

(a) The commission may, through the attorney general or, where the respondent is an agency or officer of the state, the counsel appointed under section 31-125a, petition the court within the county wherein any unfair employment practice occurred or wherein any person charged with unlawful employment practice resides or transacts business, for the enforcement of any order issued by a tribunal under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in the court the commission shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief by injunction or otherwise, including temporary relief, as it deems just and suitable and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, any order of the commission or hearing tribunal.

(b) No objection that has not been urged before the hearing tribunal shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing, the court may order such additional evidence to be taken before the same hearing tribunal and to be made part of the transcript. The tribunal may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial and competent evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order.

(c) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the supreme court, on appeal by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court, and the record so certified shall contain all that was before the lower court.

(d) Any respondent or complainant aggrieved by a final order of a hearing tribunal or any complainant aggrieved by the dismissal of his complaint by the commission may obtain a review of such order in the court of common pleas for the county where the unfair employment practice is alleged to have occurred or in the county wherein such person resides or transacts business by filing with the clerk of said court, within two weeks from the date of such order, a written petition in duplicate praying that such order be modified or set aside. The clerk shall thereupon mail the duplicate copy to the commission. The commission shall then cause to be filed in said court a certified transcript of the entire record in the proceedings, including the pleadings, testimony and order. Upon such filing said court shall proceed in the same manner as in the case of a petition by the commission under this section and shall have the same exclusive jurisdiction to grant to the respondent or complainant such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order sought to be reviewed.

(e) Unless otherwise directed by the commission, tribunal or court, commencement of review proceedings under this section shall operate as a stay of any order.

(f) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

(1949 Rev., S. 7407; 1963, P.A. 472; 1967, P.A. 715, S. 4; 1971, P.A. 870, S. 89.)

***See P.A. 76-436, S. 619 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Substantial and competent evidence requires that evidence be such as would, in a jury trial, justify a refusal to direct a verdict. 140 C. 537. Cited. 153 C. 171, 173. Substantial evidence means something more than a mere scintilla and must do more than create a suspicion of the existence of the fact to be established. 153 C. 652,661. Substantial and competent evidence discussed. 163 C. 309, 327. Cited. 165 C. 318. Subsection(b). Cited. 168 C. 26.

"Substantial and competent evidence" discussed. 17 CS 99; 18 CS 129; 20 CS 172. Employee applicant not a necessary party on appeal; he can just set the statutory machinery in motion. 17 CS 96. Superior court has jurisdiction to hear appeal from order dismissing complainant's complaint of discrimination against her. 28 CS 341.

Sec. 31-232a. Additional benefits payable during periods of substantial unemployment.

When an extended benefit period is in effect as provided in section 31-232b, unless it is in effect solely by reason of a national "on" indicator, each person who, prior to the expiration of his current benefit year, has received the maximum amount of benefits to which he is entitled, under the provisions of section 31-231b, shall be entitled to receive, except as hereinafter provided and except as provided in section 31-232h, during the balance of his current benefit year, at his current benefit rate and dependency allowances thirteen times his benefit rate for total unemployment and dependency allowances. No person who is eligible to receive benefits under an act of congress providing for unemployment compensation benefits, pursuant to a contract entered into by the administrator, shall receive benefits under this section until he has received the full amount of his entitlement under such act of congress.

(1959, P.A. 680, S. 3; 1961, P.A. 589; 1967, P.A. 790, S. 11; 1969, P.A. 510; October, 1970, P.A. 1, S. 11; 1971, P.A. 835, S. 13; P.A. 76-414, S. 1.)

Sec. 31-236. Disqualifications.

An individual shall be ineligible for benefits (1) if the administrator finds that he has failed without sufficient cause either to apply for available, suitable work when directed so to do by the public employment bureau or the administrator, or to accept suitable employment when offered him by the public employment bureau or by an employer, such ineligibility to continue for the week in which such failure occurred and for the next four following weeks. Suitable work shall mean either employment in his usual occupation or field or other work for which he is reasonably fitted, provided such work is within a reasonable distance of his residence, and, in determining whether or not any work is suitable for an individual, the administrator may consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training and experience, his skills, his previous wage level and his length of unemployment, but, notwithstanding any other provision of this chapter, no work shall be deemed suitable nor shall benefits be denied under this chapter to any otherwise eligible individual for refusing to accept work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (b) if the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (d) if the position offered is for work which commences or ends between the hours of on and six o'clock in the morning if the administrator finds that such work would constitute a high degree of risk to the health, safety or morals of the individual, or would be beyond the physical capabilities or fitness of the individual or there is no suitable transportation available from the claimant's home to or from his place of employment; (e) if as a condition of being employed the individual would be required to agree not to leave such position if recalled by former employer; (2) (a) during the week in which, in the opinion of the administrator, he has left suitable work voluntarily and without sufficient cause connected with his work or (b) been discharged or suspended for wilful misconduct in the course of his employment, and for the next four following weeks; provided (i) a person who, while on lay-off from his regular work, accepts other employment and leaves such other employment when recalled by his former employer, or (ii) a person who leaves work which is outside his regular apprenticeable trade to return to work in his regular apprenticeable trade, or (iii) a person who has left work solely by reason of governmental regulation or statute, or (iv) a person who leaves part-time work to accept full-time work, shall not be ineligible on account of such leaving and the employer's account shall not at any time be charged with respect to such separation, unless such employer has elected payments in lieu of contributions. If the administrator finds that an individual was separated from a base period employer under conditions which would result in a disqualification because the individual (a) left suitable work voluntarily and without sufficient cause connected with his work or (b) has been discharged or suspended for wilful misconduct in the course of his employment, thereafter no benefits paid to such individual with respect to any week of unemployment which is based upon wages paid by such employer with respect to employment prior to such separation shall be charged to such employer's account, provided such employer shall have filed a notice with the administrator in accordance with such regulations as the commissioner shall promulgate; (3) during any week in which it is found by the administrator that his total or partial unemployment is due to the existence of a labor dispute other than a lockout at the factory, establishment or other premises at which he is or has been employed, provided the provisions of this subsection shall not apply if it is shown to the satisfaction of the administrator that (a) he is not participating in or financing or directly interested in the labor dispute which caused the unemployment, and (b) he does not belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred, and are participating in or financing or directly interested in the dispute; or (c) his unemployment is due to the existence of a lockout. A lockout exists whether or not such action is to obtain for the employer more advantageous terms when (1) an employer fails to provide employment to his employees with whom he is engaged in a labor dispute, either by physically closing his plant or informing his employees that there will be no work until the labor dispute has terminated, or (2) an employer makes an announcement that work will be available after the expiration of the existing contract only under terms and conditions which are less favorable to the employees than those current immediately prior to such announcement; provided in either event the recognized or certified bargaining agent shall have advised the employer that the employees with whom he is engaged in the labor dispute are ready, able and willing to continue working pending the negotiation of a new contract under the terms and conditions current immediately prior to such announcement; (4) during any week with respect to which the individual has received or is about to receive remuneration in the form of (a) wages in lieu of notice or dismissal payments or any payment by way of compensation for loss of wages, or any other state or federal unemployment benefits, except mustering out pay, terminal leave pay or any allowance or compensation granted by the United States under an act of congress to an ex-serviceman in recognition of his former military service, or any service connected pay or compensation earned by an ex-serviceman paid before or after separation or discharge from active military service, or (b) compensation for temporary disability under any workmen's compensation law; (5) (repealed by P.A. 73-140); (6) if it is found by the administrator that he has left employment to attend a school, college or university as a regularly enrolled student, such ineligibility to continue during such attendance; (7) (repealed by P.A. 74-70, S. 2, 4); (8) if it is found by the administrator that, having received benefits in a prior benefit year, he has not again become employed and been paid wages since the commencement of said prior benefit year in an amount equal to the greater of three hundred dollars or five times his weekly benefit rate by an employer subject to the provisions of this chapter or by an employer subject to the provisions of any other state or federal unemployment compensation law; (9) if it is found by the administrator that he has retired and that such retirement was voluntary, until he has again become employed and has been paid wages in an amount required as a condition of eligibility as set forth in subdivision (3) of section 31-235; provided, if it is found by the administrator (a) that he has retired because (1) his work has become unsuitable considering his physical condition and the degree of risk to his health and safety, and (2) he has requested of his employer other work which is suitable and (3) his employer did not offer him such work, or (b) that he has been involuntarily retired, he shall not be ineligible on account of such retirement and the weekly amount payable to him shall be an amount equal to his benefit rate for total unemployment less the amount of whole dollars in the weekly amount of retirement pay or pension paid to him directly by the employer or paid indirectly by the employer in the manner set forth in subdivision (5) of subsection (b) of section 31-222 until he has received the full amount of his entitlement as provided in sections 31-231b and 31-232a. Notwithstanding the provisions of this subsection, no veteran who has retired from the United States armed forces shall have the amount of his unemployment compensation benefits reduced in any way by any military service retirement or pension payments he receives; (10) if, being a certificated teacher, academic supervisor, superintendent or assistant superintendent under contract with or employed by a board of education or public school system, such person (a) has a contract of employment which is valid and in force at the time of filing a claim; or (b) is unemployed between academic years and his contract has been received for the ensuing academic year; or (c) is unemployed during a school vacation period, holiday or holiday recess while his contract is in force; (11) if, being a cafeteria worker, classroom aide, kindergarten aide, school cafeteria worker or school crossing guard, employed by or working for a board of education or employed by or working for a nonprofit private elementary or secondary school wherein any child may legally fulfill compulsory school attendance requirements and which complies with section 10-188, or an aide employed by a municipal health department to work in a school system, such person is unemployed during a school vacation period, holiday or holiday recess and will resume such employment at the conclusion of such period, holiday or recess; (12) if it is found by the administrator that his work was performed while he was a student in a full-time program which combines academic instruction with work experience taken for credit at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regular organized body of students in attendance at the place where its educational activities are carried on and that such work was an integral part of such program, as certified by such institution to the employer.

(1949 Rev., S. 7508; 1953, S. 3073d, 3074d, 3076d; 1953, 1955, S. 3075d; 1967, P.A. 790, S. 14; October, 1970, P.A. 1, S. 12; 1971, P.A. 835, S. 16, 18, 19, 20, 20a; 1972,P.A. 279, S. 4; 291, S. 1; P.A. 73-76; 73-81; 73-140; 73-411; 73-536, S. 6, 12; 74-70, S. 1--4; 74-75; 74-229, S. 17, 22; P.A. 75-105; 75-427; P.A. 76-414, S. 2.)

"Available for work" construed with respect to waitress. 126 C. 441. Depends on whether or not there is a labor market for the work employee can do. 132 C. 651. Deliberate violation of reasonable rule in connection with work constitutes "wilful misconduct." 133 C. 308. Rule forbidding solicitation for union membership in working hours reasonable. Id., 310. Under former statute, disqualification for attending school did not apply after applicant had completed his studies. 129 C. 71. The test to determine whether a person's refusal to cross a picket line established by a union of which he is not a member rendered him a participant in the dispute is whether his refusal was voluntary or involuntary. An employee is "directly interested in a labor dispute" if his wages, hours or working conditions will be affected by the outcome of the dispute. 139 C. 20. A pension, at least to the extent to which each payment has been increased because of employer's contributions, is one "by way of compensation for loss of wages." Id., 569. Severance pay held "payment by way of compensation for loss of wages." Id., 572. Vacation pay from union welfare fund disqualifies employee from benefits as it is a payment by way of compensation for loss of wages. 142 C. 236. Facts of each case determine question of "suitable work." 148 C. 475. Subsection (1) held not to permit the establishment or application by the administrator of any arbitrary adjustment period in which to find suitable work during the same hours as those of prior employment. Id. (2) Company designated period of shutdown as including vacation period. Fact that union, as agent for plaintiff, gave company this right did not make plaintiff's second week of vacation, without pay, a period of voluntary and self-imposed unemployment. 138 C. 253. (3) The general assembly intended the same meaning for "labor dispute" here as that expressed in Sec. 31-112(c). Each week of unemployment is a severable unit. 135 C. 373. Refusal of plaintiffs to cross picket lines constituted participation in labor dispute and rendered them ineligible for compensation. Id., 695. Vacation pay is "payment by way of compensation for loss of wages." 136 C. 482. Plaintiff not eligible for benefits while receiving allowances under Servicemen's Readjustment Act. 137 C. 240. "Lockout" defined. Id., 380. A "lockout" is a withholding of employment by an employer in an effort to obtain for himself more advantageous terms. Id., 393. An offer and refusal of employment is not a condition precedent to disqualification where claimant is not available for work. Id., 438. Employee is subject to disqualification prescribed if he leaves part-time work to accept better paying position. Claimant's leaving dated from time she took new job, rather than from the beginning of vacation period. Id., 693. Controversy which caused unemployment of plaintiffs was a labor dispute within meaning of statute. 139 C. 329. Unemployment was caused by a labor dispute rather than a lockout. Id., 515. Definition. 142 C. 497. (4) Payment of pension disqualifies plaintiff for unemployment benefits to which he would have become entitled by virtue of his employment by the one who is paying the pension.

138 C. 630. Purpose and history of subsection (4). 146 C. 215. Under subsection (4) (c) it is immaterial whether payment represents deferred compensation or a pension. If lump sum is paid it should be divided by weeks of life expectancy to ascertain weekly payments. Id. Holiday pay classified as earned remuneration rather than compensation for loss of wages. 146 C. 264. Purpose of subsection (4). Id. Severance pay and vacation pay do not qualify as wages within meaning of statute. 153 C. 692, 693. No lockout existed where employer in labor dispute over new contract negotiations closed his stores after date of expiration of old contract as he had not been advised by their bargaining agent that his employees would continue to work pending negotiation of new contract. Employees not entitled to unemployment compensation. 158 C. 556. Disqualification under subsection (3) has three elements: (1) there must be unemployment, (2) there must be a labor dispute at the local factory, and (3) the unemployment must be due to the existence of the labor dispute. 164 C. 446, 450, 458.

Disqualifications for compensation are conditions subsequent and the burden of proof is on the commissioner. 15 CS 286. Cited. 20 CS 110. (1) Refusal to return to work at a reduced salary disqualifies one for compensation. 11 CS 337. Suitable employment discussed. 16 CS 199; id., 264; 18 CS 145. Employee entitled to unemployment compensation where employer shut down his plant for two weeks as a vacation period but employee was entitled to only one week of vacation pay. 17 CS 144. (1) (c) Claimant who refused referred employment solely because it required union membership was not entitled to benefits. 20 CS 10. (2) (a) Severing employment to report for induction into army. 11 CS 160. Cited. 12 CS 391. Lack of transportation not sufficient reason to leave work where claimant did not give his employer a chance to arrange for it. 15 CS 445. Leaving work on ground that services worth more than remuneration held not sufficient cause. 17 CS 415. Claimant who gave notice he would resign and later attempted to withdraw it after company had hired a replacement was declared eligible for benefits. 19 CS 363. (2) (b) Employee who momentarily left machine running unattended in violation of a rule of employer ineligible for compensation for wilful misconduct. 11 CS 221. Harmless taking of discarded article by employee not sufficient basis for wilful misconduct. 16 CS 311. Claimant whose license to operate a taxicab had been revoked for failure to make full restitution for damage done by him in automobile accident and for failure to furnish proof of financial responsibility ineligible for unemployment compensation. 19 CS 363. No lesser degree of cupability in this state than wilful misconduct. 20 CS 399. (3) Refusal to cross picket line because of fear of bodily harm does not render one ineligible. 16 CS 286. Dismissed employees entitled to compensation where dismissal was due to a labor dispute. Id., 491. Where shut down due to lockout. 18 CS 94; 20 CS 211. (4) (a) Consideration of vacation pay. 15 CS 267; id., 501; 16 CS 225; 18 CS 472; 19 CS 367. (5) Claims made after childbirth. 17 CS 316. Plaintiff entitled to benefits where it was previously arranged by collective bargaining that such would be allowed though claimant not a member of the bargaining unit. 19 CS 184. Disqualification begins on the first day of unemployment due to pregnancy and continues thereafter for the duration of the pregnancy. 20 CS 428. (8) Plaintiff, a physician, performed services for her husband, a physician, during his illness and received $150 from him; held this did not constitute wages. 21 CS 144. Evidence tended to prove that claimant's brother hired him for two weeks merely to qualify claimant under subsec. (8) but award of compensation by commissioner upheld. 21 CS 204. Where claimant left job when told by employer he could retain his job as driver if, during period of his license suspension, he found someone to take his place and paid him from his own pocket, held claimant left work without sufficient cause within meaning of subsec. (2). 21 CS 206. Where plaintiff's employment was terminated early in her pregnancy because employer in good faith wished to train replacement at that time, plaintiff was correctly denied benefits. 23 CS 155. Where claimant was offered former job back during strike and he proceeded to participate in strike, he was held ineligible for benefits. His former job held not to be "new work" within meaning of statute. 23 CS 233. Employee has burden of proving non participation. 24 CS 461. Claimant's former job held not to be "new work" within meaning of statute when offered during strike to one who had been laid off four weeks before strike and in a stituation where collective bargaining agreement between union and employer had expired prior to layoff. 23 CS 233. Cited. 25 CS 244. Whether there was wilful misconduct depends on whether conduct of claimant could be held reasonably to amount to a deliberate violation of a reasonable rule. 22 CS 458. Employee fired for hurling rocks through windshield while picketing held ineligible for benefits. Picketing itself is not act of misconduct, but hurling rocks is. 23 CS 206. "Wilful misconduct" discussed. 24 CS 177. Inefficiency, negligence, carelessness, improper conduct and errors in judgement alone are not construed as "wilful misconduct," disqualifying claimant from benefits under subparagraph (b) of subdivision (2). 25 CS 411. Falsifying employment questionnaire held intentional act of misleading employer and constituted wilful misconduct in course of employment. 27 CS 215. Separation allowance computed on years of service and supplemental allowance to pensioners under labor management agreement paid on closing of plant held dismissal payments. 27 CS 169. Acceptance of separation allowance in lump sum did not change nature of payment computed on weekly basis. Id. Subdiv. (1) (c). Claimant who was union member and who quit nonunion job still open to him because his union business agent told him unless he quit he would lose his union membership, held not available for work. Exception of this subdivision does not apply where unions set conditions contra to statutory provisions. 27 CS 446. Subdiv. (9). Where employee voluntarily requested payment from his union pension fund and applied for and received social security benefits, he had voluntarily retired and was ineligible for unemployment benefits. 28 CS 57. Plaintiff mason voluntarily leaving job because his partner had left, as he thought union rules forbade his remaining, left suitable work voluntarily without sufficient cause. 28 CS 394. Subdiv. (2) (b). Repeated absences from work without good cause, especially in light of warning by employer, are recognized as wilful misconduct. 29 CS 14, 18. Cited. 29 CS 251. Offer of same job after penalty period ineffective as to deny benefits under suitable work provision. 29 CS 486. Cited. 29 CS 492. An employee's decision not to reenlist in the National Guard, which was a condition of employment which had been voluntarily accepted by the employee, is a voluntary termination of employment, without employment-connected cause. 31 CS 12. Subsection (11). Unemployment commissioner could reasonably conclude from his findings of fact that a school "media aide" is a "classroom aide" in meaning of this section. 31 CS 253. Finding by commissioner that plaintiff's concern over unreliable transportation was refusal to accept employment held arbitrary and unreasonable. 31 CS 269.

Sec. 31-326. Proceedings against delinquent insurance companies or employers.

Whenever the compensation commissioners, or a majority of them, find that any insurance company or association insuring the liability of an employer under the provisions of this chapter is conducting such business improperly or is dilatory in investigating and adjusting claims or making payments, or fails to comply with the provisions of this chapter or the rules, methods or procedure and forms adopted by the commission, said commissioners, or a majority of them, shall notify the insurance commissioner, in writing, setting forth the facts, and thereupon the insurance commissioner shall fix a time and place for a hearing thereon, giving reasonable notice to the commissioners and to such company or association of such hearing, and, if he finds the allegations to be true, he shall either suspend for a time or revoke the license of such company or association to transact such business in this state. Whenever a compensation commissioner has reason to believe that any employer who has furnished proof of his financial ability or filed with the insurance commissioner security for the performance of the obligations of this chapter in accordance with section 31-284 is dilatory in investigating or adjusting claims or in making payments, or fails to comply with the provisions of this chapter or the rules, methods of procedure and forms adopted by the commission, he may notify the insurance commissioner, in writing, setting forth the facts, and thereupon the insurance commissioner shall fix the time and place for a hearing thereon, giving reasonable notice to the commissioner and to such employer, and, if he finds the allegations to be true, then, after ten days from the notice of such findings to such employer, the compliance of such employer with the terms of section 31-284 shall be, as to any future injuries, null and void.

(1949 Rev., S. 7466; 1958 Rev., S. 31-193; 1961, P.A. 491, S. 52.)
Cited 28 CS 5.

Sec. 31-327. Award of fees and expenses.

Whenever any fees or expenses are, under the provisions of this chapter, to be paid by the employer or insurer and not by the employee, the commissioner may make an award directly in favor of the person entitled thereto, which award shall be filed in court, shall be subject to appeal and shall be enforceable by execution as in other cases. Such award may be combined with an award for compensation in favor of or against the injured employee or the dependent or dependents of a deceased employee or may be the subject of an award covering only such fees and expenses.

(1949 Rev., S. 7467; 1958 Rev., S. 31-194; 1961, P.A. 491, S. 53.)
Cited 103 C. 434.
Cited 28 CS 5.

PART C

EMPLOYERS' MUTUAL INSURANCE

Sec. 31-328. Mutual associations authorized.

With the approval of the insurance commissioner, employers who are subject to this chapter and are bound to pay compensation to their employees thereunder may associate themselves, in accordance with the law for the formation of corporations without capital stock, for the purpose of establishing and maintaining mutual associations to insure their liabilities under this chapter; but no such association shall be formed to include employers not in the same or similar trade or business or in trades or businesses with substantially similar degrees of hazard of injury to employees.

(1949 Rev., S. 7468; 1958 Rev., S. 31-195; 1959, P.A. 580, S. 18; 1961, P.A. 491, S. 54.)

Sec. 31-329. Approval by insurance commissioner.

Before giving his approval, the insurance commissioner may require the incorporators of any such association to include in their proposed certificate of incorporation such lawful provisions for the regulation of the affairs of the association and the definition of its powers and the powers of its officers, directors and incorporators as shall satisfy him that it is well designed and wisely adapted to its proposed purposes. When such a certificate, in form and substance acceptable to the insurance commissioner, has been approved by and filed with the secretary of the state, the incorporators shall forthwith cause copies thereof to be filed in the offices of the insurance commissioner and each of the compensation commissioners.

(1949 Rev., S. 7469; 1958 Rev., S. 31-196; 1961, P.A. 491, S. 55.)

Sec. 31-330. Membership.

Membership in such associations shall be limited to employers as defined in this chapter, and each association shall have power, by appropriate bylaws, to provide for the admission, suspension, withdrawal or expulsion of members.

(1949 Rev., S. 7470; 1958 Rev., S. 31-197; 1961, P.A. 491, S. 56.)

Sec. 31-331. Control of associations.

Except as herein otherwise provided, such associations shall be subject to the same regulation and control as is or may be imposed by law upon other corporations or associations taking similar risks in this state, and over them the insurance commissioner shall have all the jurisdiction given him by sections 38-7 and 38-8 over insurance companies.

(1949 Rev., S. 7471; 1958 Rev., S. 31-198; 1961, P.A. 491, S. 57.)

Sec. 31-332. Policies. Number of members required.

No policies shall be issued by any such association until members in such numbers and with such numbers of employees as the insurance commissioner may decide will give a fair diffusion of risks have obligated themselves to take policies immediately upon their authorization, nor shall any policies be issued except such as the insurance commissioner has approved as conforming in all respects to the requirements of this chapter. Conformably to the provisions of section 31-284, policies may be issued covering claims only in excess of a certain amount. If, at any time, by the retirement of members, reduction of numbers of employees or other cause, the membership of any association appears to the insurance commissioner no longer to afford a fair diffusion of risks, he may suspend or forbid the further issue of policies until the former conditions of the association have been restored.

(1949 Rev., S. 7472; 1958 Rev., S. 31-199; 1961, P.A. 491, S. 58.)

Sec. 31-333. Officers and voting.

The affairs of all associations incorporated under this chapter shall be managed by such officers and directors as may be chosen in manner prescribed by the bylaws of the association; but each member shall be entitled to cast at least one ballot in all elections and votes, any member having had for six months an average of more than one hundred and not more than five hundred employees to whom he is bound to pay compensation under this chapter shall be entitled to cast two ballots, and each additional five hundred employees shall entitle such member to an additional ballot, but no member shall be entitled to cast more than eight ballots.

(1949 Rev., S. 7473; 1958 Rev., S. 31-200; 1961, P.A. 491, S. 59.)

Sec. 31-334. Safety rules.

Each association shall have power to prescribe and enforce reasonable rules for safety regulations on the premises of its members, and for that purpose its inspectors shall have free access to all such premises during regular working hours.

(1949 Rev., S. 7474; 1958 Rev., S. 31-201; 1961, P.A. 491, S. 60.)

Sec. 31-335. Premium rates. Reserve notes.

Each association shall have power to determine the comparative premium rates for each occupation or risk insured by it and to prescribe rates of cash premiums sufficient to cover the current cost. Such premium rates shall prevail for the fiscal year of the association, but they may be changed annually by the directors. The current cost herein specified shall be such an amount as is estimated to cover the expenses and the claims or portions of claims payable within the same fiscal year within which they originated. Members of each association shall be required to pay yearly in advance cash premiums for current costs, and in addition thereto an amount in negotiable notes sufficient to maintain a reserve equal to that required by statute of stock or commercial casualty companies for similar classes of risks. These notes shall be payable on the call of the treasurer of the association as they may be required to meet estimated losses or expenses in excess of the current cost or to meet claims covering losses not payable within the same fiscal year within which the claim originated. The directors may, in their discretion, fix rates of interest on either notes or balances.

(1949 Rev., S. 7475; 1958 Rev., S. 31-202; 1961, P.A. 491, S. 61.)

Sec. 31-336. Assessments.

If an association is not possessed of funds sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the members liable to assessment therefor, in proportion to their several liabilities.

(1949 Rev., S. 7476; 1958 Rev., S. 31-203; 1961, P.A. 491, S. 62.)

Sec. 31-337. Investments.

The funds of each association shall be invested by the directors in the same classes of securities and in the same manner in which funds of domestic life insurance companies are by law required or permitted to be invested.

(1949 Rev., S. 7477; 1958 Rev., S. 31-204; 1961, P.A. 491, S. 63.)

Sec. 31-338. Bylaws and regulations.

Each association shall have power to determine the premiums, contingent liabilities, assessments, penalties and dividends of its members, and to enforce or administer the same without the limitations imposed upon corporations without capital stock by section 33-446. It shall also have power to make and amend bylaws or regulations for the prompt, economical and safe conduct of its affairs. All bylaws and regulations of each association shall be filed with the insurance commissioner and shall be subject to his approval. If not disapproved by him, they shall go into effect thirty days after filing or at such later date as may be indicated in the bylaws or regulations.

(1949 Rev., S. 7478; 1958 Rev., S. 31-205; 1959, P.A. 617, S. 110; 1961, P.A. 491, S. 64.)

Sec. 31-339. Appeals to superior court.

From any decision or order of the insurance commissioner affecting any association, such association shall have the right of appeal to the superior court for Hartford county.

(1949 Rev., S. 7479; 1958 Rev., S. 31-206; 1961, P.A. 491, S. 65.)

PART D

WORKMEN'S COMPENSATION INSURANCE

Sec. 31-340. Insurer directly liable to employee or dependent.

Whenever any employer of labor as defined in this chapter insures his liability under this chapter with any company authorized to transact a compensation insurance business in this state, the contract of insurance between such employer of labor and such insurer shall be a contract for the benefit of any employee who sustains an injury arising out of and in the course of his employment by such insured by reason of the business operations described in the policy, while conducted at any working place therein described or elsewhere in connection therewith, or, in the event of such injury resulting in death, for the benefit of the dependents of such employee. Every such policy shall contain an agreement by the insurer to the effect that the insurer shall be directly and primarily liable to the employee and, in the event of his death, to his dependents or to any person entitled to burial expenses under section 31-306, to pay to him or to them the compensation, if any, for which the employer is liable; but payment in whole or in part of such compensation by either the employer or the insurer shall to the extent thereof be a bar to the recovery against the other of the amount so paid.

(1949 Rev., S. 7480; 1949, 1951, S. 3052d; 1958 Rev., S. 31-207; 1961, P.A. 491, S. 66.)
Cited. 113 C. 130, 515.
Cited. 28 CS 4.

Sec. 31-341. Notice to insurer.

When a claim for compensation by any such injured employee or the dependent of an injured employee of an employer who has insured his liability as aforesaid does not result in a voluntary agreement and a hearing before a compensation commissioner is necessary to determine such claim, the insurer shall receive the same notice of such hearing as is by law required to be given to the employer and shall thereupon be a party to the proceeding.

(1949 Rev., S. 7481; 1958 Rev., S. 31-208; 1961, P.A. 491, S. 67.)
Cited. 28 CS 5.

Sec. 31-342. *Award; enforcement.

In any such hearing, the commissioner having jurisdiction may make his award directly against such employer, insurer or both, except that, when there is doubt as to the respective liability of two or more insurers, he shall make his award directly against such insurers; and such awards shall be enforceable against the insurer in all respects as provided by law for enforcing awards against an employer, and the proceedings on hearing, finding, award, appeal and execution shall be in all respects similar to that provided by law as between employer and employee.

(1949 Rev., S. 7482; 1958 Rev., S. 31-209; 1961, P.A. 491, S. 68.)
The award should ordinarily be against both employer and insurer. 105 C. 741. Where one company insured until and another after August 1st, and employee was injured May 25th but disability began September 19th, first company is solely liable. 105 C. 740. Cited. 113 C. 130; id., 520; 114 C. 27. Award against principal employer even though direct employer has paid all compensation claims. 124 C. 227. In occupational disease cases, award should be made against all insurers within whose periods of coverage claimant's work was a substantial factor in the disability. 116 C. 216.
Cited. 28 CS 4.

Sec. 31-343. Certain defenses not available against employee or dependent.

As between any such injured employee or his dependent and the insurer, every such contract of insurance shall be conclusively presumed to cover the entire liability of the insured, and no question as to breach of warranty, coverage or misrepresentation by the insured shall be raised by the insurer in any proceeding before the compensation commissioner or on appeal therefrom.

(1949 Rev., S. 7483; 1958 Rev., S. 31-210; 1961, P.A. 491, S. 69.)
Effect of this section. 105 C. 739. Cited. 111 C. 237; 113 C. 130, 504; 116 C. 221.

Sec. 31-344. When representations avoid policy.

No statement in an application for a policy of compensation insurance shall vitiate such policy as between the insurer and the insured, unless such statement is false and materially affects either the acceptance of the risk or the hazard assumed by the insurer.

(1949 Rev., S. 7484; 1958 Rev., S. 31-211; 1961, P.A. 491, S. 70.)
Cited. 28 CS 5.

Sec. 31-345. Insurance commission to approve form of policy. Assessments against carrier and self-insurers for administrative costs.

(a) No insurer or employer to whom a certificate of solvency pursuant to subsection (b) of section 31-284 has been issued, shall issue any policy of insurance purporting to cover the liability of an employer under the provisions of this chapter until a copy of the form of such policy has been filed with and approved by the insurance commissioner. No insurer or employer who is self-insured in whole or in part shall engage in writing insurance under this chapter or providing the compensation and benefits directly to employees unless he files with the insurance commissioner a receipt from the state treasurer or the comptroller on or before the first day of each January, April, July and October, that he has paid his pro rata cost of administration required by this section except that on or before October 1, 1976, he shall file, in addition to the receipt required by this section, a receipt that he has paid his pro rata cost of administration for the fiscal year ending June 30, 1976, provided if the self-insured employer has not, prior to July first of any year, provided compensation and benefits under this chapter, he shall file such receipt on or before October first, annually that he has paid an amount equal to one-quarter of one per cent of the self-insured employer's payroll for the twelve months immediately preceding such July first.

(b) When, after the close of a fiscal year, the chairman and comptroller have determined the total amount of expenses of the commission in accordance with the provisions of section 31-280, the treasurer shall thereupon assess upon and collect from each insurance carrier or self-insurer, the proportion of such expenses that the total compensation and payment for hospital, medical and nursing care made by such insurance carriers and self-insurers bore to the total compensation and payments for hospital, medical and nursing care made by all the insurance carriers and self-insurers. The amount so secured shall be used to reimburse the treasurer for appropriations theretofore made by the state for the payment in the first instance of the expenses of administering this chapter. On and after July 1, 1976, the treasurer shall, as soon as possible after the close of a fiscal year, estimate the pro rata cost to each insurance carrier or self-insurer based upon the costs assessed to such insurance carrier or self-insurer in the immediately preceding fiscal year and shall assess upon and collect from each such insurance carrier or self-insurer such estimated costs in equal quarterly instalments which shall be payable as provided in subsection (a) of this section except each instalment payable October first shall include, in addition to such quarterly instalment for the current fiscal year, an amount which represents the difference between the payments collected and the actual costs assessed to such insurance carrier or self-insurer for the immediately preceding fiscal year. The treasurer is authorized to make credits or rebates for overpayments made under this section by any insurance carrier or self-insurer for any fiscal year.

(1949 Rev., S. 7485; 1958 Rev., S. 31-212; 1961, P.A. 491, S. 71; 1969, P.A. 696, S. 13; 1971, P.A. 334; P.A. 73-32; P.A. 76-246, S. 1, 3.)

Sec. 31-346. Damages for material misstatements.

When any insured knowingly makes a material misstatement to any insurer to the damage of such insurer, such insurer may recover just damages resulting from such misstatement.

(1949 Rev., S. 7486; 1958 Rev., S. 31-213; 1961, P.A. 491, S. 72.)
Cited. 28 CS 5.

Sec. 31-347. Experience in compensation insurance.

Each insurer which writes liability or compensation policies shall include in the annual statement required by law a schedule of its experience thereunder in such form as the insurance commissioner may prescribe.

(1949 Rev., S. 7487; 1958 Rev., S. 31-214; 1961, P.A. 491, S. 73.)
Cited. 28 CS 5.

Sec. 31-348. Compensation insurance companies to report their risks.

Every insurance company writing compensation insurance shall report in writing to the board of commissioners, in accordance with rules by them prescribed, the name of the person or corporation insured, the day on which the policy becomes effective and the date of its expiration, which report shall be made within one week from the date of the policy. The cancellation of any policy so written and reported shall not become effective until one week after notice of such cancellation has been filed with the commissioner or commissioners with whom such report is filed. Any insurance company violating any provision of this section shall be fined not less than one hundred nor more than one thousand dollars for each offense.

(1949 Rev., S. 7488; 1958 Rev., S. 31-215; 1961, P.A. 491, S. 74.)
See 113 C. 128, 504; 127 C. 706.
Cited. 28 CS 5.

PART E

SECOND INJURY AND COMPENSATION ASSURANCE FUND

Sec. 31-349. Compensation for second disability.

The fact that an employee has suffered previous disability, or received compensation therefor, shall not preclude him from compensation for a later injury, nor preclude compensation for death resulting therefrom. If an employee who has previously incurred, by accidental injury, disease or congenital causes, total or partial loss of, or loss of use of, one hand, one arm, one foot or one eye, or who has other permanent physical impairment, incurs a second disability by accident or disease arising out of and in the course of his employment, resulting in a permanent disability caused by both conditions which is materially and substantially greater than that which would have resulted from the second injury alone, he shall receive compensation for the entire amount of disability, including total disability, and necessary medical care, as elsewhere provided in this chapter, notwithstanding the fact that part of such disability was due to prior accidental injury, disease or congenital causes. The employer by whom the employee is employed at the time of the injury, or his insurance carrier, shall in the first instance pay all awards of compensation and all medical expenses provided by this chapter for the first one hundred four weeks of disability. As a condition precedent to the liability of the second injury fund, the employer or his insurance carrier must, ninety days prior to the expiration of the one-hundred-four-week period, notify the custodian of the second injury fund of the pending case and shall furnish to said custodian a copy of the agreement or award together with all information purporting to support his claim as to the liability of the second injury fund, and shall make available to the custodian all medical reports as the custodian shall desire. Failure on the part of the employer or the carrier to comply does not relieve the employer or carrier of its obligation to continue furnishing benefits under the provisions of the act. In the event the custodian shall reject the claim of the employer and its insurer, the question shall be submitted to the commissioner having jurisdiction, as promptly as possible, and the employer or carrier shall continue furnishing benefits until the outcome is finally decided, and if the employer or carrier prevails all payments made beyond the one-hundred-four-week period shall be reimbursed to the employer or carrier by the second injury fund. After the employer or its insurer has completed the payment for the one-hundred-four-week period, he shall file with the commissioner having jurisdiction, and with the custodian of the second injury fund, a form indicating that all compensation and medical bills have been paid for the one-hundred-four-week period, and indicating thereon the date the custodian was notified of the pending case. Thereafter all responsibility for compensation and medical treatment shall be with the custodian of the second injury fund. If the subsequent injury of such an employee resulting from an accident arising out of and in the course of his employment shall result in the death of the employee, and it shall be determined that either the injury or death would not have occurred except for such pre-existing permanent physical impairment, the employer or his insurance carrier shall, in the first instance, pay the funeral expense described in this chapter, and shall pay death benefits as may be due for the first one hundred four weeks. Ninety days prior to the expiration of the one-hundred-four-week period, the employer or his insurance carrier shall notify the custodian of the second injury fund of the pending case and shall furnish to said custodian a copy of the agreement or award. After the employer or its insurer has completed the payment for the one-hundred-four-week period, he shall file with the commissioner having jurisdiction, and with the custodian of the second injury fund, a form indicating that all compensation has been paid for the one-hundred-four-week period, and indicating thereon the date that the custodian was notified of the pending case. Thereafter all responsibility for compensation shall be with the custodian of the second injury fund. Employees shall not be denied any of the benefits provided by any provisions of this chapter by reason of the execution of a waiver, but the benefits specified in this chapter which would be payable except for the execution of such waiver shall be paid entirely out of the second injury fund. Claims for such benefits shall be filed with the commissioner, who shall refer such claims to the custodian of the second injury fund as specified above. The custodian of the second injury fund may make payment by way of final settlement in any matter concerning the fund, subject to the approval of the commissioner, when it is for the best interests of the injured employee.

(1949 Rev., S. 7489; 1949, 1951, 1953, S. 3053d; September, 1957, P.A. 13, S. 6; 1958 Rev., S. 31-216; 1959, P.A. 580, S. 11; 1961, P.A. 491, S. 75; 1967, P.A. 842, S. 20; 1969, P.A. 696, S. 14; 1971, P.A. 447, S. 1.)

Cited. 150 C. 156. "Second injury fund," legislative history and purpose discussed. The phrase "permanent physical impairment" construed to include a decedent's heart disease, although that disease had neither manifested itself so as to be a hinderance to obtaining employment nor come to the attention of the employer. 166 C. 352.

Sec. 31-350. Notice to commissioner of second injury.

An employee claiming compensation from the fund, under section 31-349, shall give written notice thereof to the commissioner having jurisdiction of his claim within two years from the date on which his workmen's compensation payments terminated.

(1949 Rev., S. 7490; 1958 Rev., S. 31-217; 1961, P.A. 491, S. 76.)

Cited. 150 C. 156. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Sec. 31-351. Hearings; awards.

The commissioner shall give notice to the treasurer of all hearings of matters which may involve payment from the fund, and may make an award directing the treasurer to make payment from the fund.

(1949 Rev., S. 7491; 1958 Rev., S. 31-218; 1961, P.A. 491, S. 77; 1967, P.A. 692, S. 3.)

Cited. 150 C. 156. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Sec. 31-352. Enforcement of liability of third person.

The provisions of section 31-293 shall apply to any such payments and the treasurer is authorized to bring an action, or join in an action as provided by said section, when he has paid, or by award has become obligated to pay, compensation out of the fund.

(1949 Rev., S. 7492; 1949, 1951, S. 3054d; 1958 Rev., S. 31-219; 1961, P.A. 491, S. 78.)

Cited. 150 C. 156. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Sec. 31-353. Voluntary agreements; approval.

If the treasurer and an injured employee, or his legal representative, reach an agreement in regard to compensation payable under section 31-349, such agreement shall be submitted in writing to the commissioner for his approval and, upon approval, shall remain in effect until otherwise ordered by the commissioner. He may make payment by way of final settlement in any matter concerning the fund, subject to the approval of the commissioner, whenever it is for the best interests of the injured employee.

(1949 Rev., S. 7493; 1949, 1951, S. 3055d; 1958 Rev., S. 31-220; 1961, P.A. 491, S. 79.)

Cited. 150 C. 156. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Cited. 16 CS 225.

Sec. 31-354. Second injury and compensation assurance fund contributions.

There shall be a fund to be known as the second injury and compensation assurance fund. Each mutual association, each mutual insurance company and each stock company writing workmen's compensation or employer's liability insurance in this state, and each person, association, partnership or corporation doing business in this state to whom a certificate of self-insurance has been issued by any commissioner under the provisions of section 31-284 shall, within thirty days after notice given by the treasurer, pay to the state treasurer for the use of the state a sum not to exceed two per cent of the total amount of money expended by each of them in payment of their liability under this chapter for the preceding calendar year. Such assessment shall be levied by the state treasurer at any time the balance remaining in the fund is so reduced that he deems it necessary to request further assessments to cover expenditures and to maintain a reserve of five hundred thousand dollars but not to exceed two per cent per assessment. The sums received shall be kept separate and apart from all other state moneys and the faith and credit of the state of Connecticut is pledged for their safekeeping. The treasurer shall be the custodian of said fund and all disbursements therefrom shall be made by him or his deputies. The moneys of said fund shall be invested by him in accordance with law. Interest, income and dividends from such investments shall be credited to the fund. Such associations, stock companies, persons, partnerships and corporations shall annually, on or before April first, report to the treasurer the amount of money expended by each of them in such payments for the preceding calendar year. The fund shall be used to provide the benefits set forth in section 31-307b for adjustments where there are relapses after a return to work, section 31-307c for totally disabled persons injured prior to October 1, 1953, section 31-349 for disabled or handicapped employees and section 31-355 for the payment of benefits due injured employees whose employers or insurance carriers have failed to pay the compensation, dependency allowance, and medical expenses required by this chapter, or any other benefits or compensation payable from this fund as may be required by any provision contained in this chapter or any other statute and to reimburse employers or insurance carriers for payments made under subsection (b) of section 31-307a as provided therein. The assessment required by this section is a condition of doing business in this state and failure to make such payment, when due, shall result in the denial of the privilege of doing business in this state or to self-insure under section 31-284.

(1949 Rev., S. 7494; 1949, 1951, S. 3056d; 1958 Rev., S. 31-221; 1959, P.A. 580, S. 12; 1961, P.A. 491, S. 80; 1967, P.A. 842, S. 21; 1969, P.A. 696, S. 15; 1971, P.A. 351, S. 1; 1972, P.A. 136, S. 1.)

See Sec. 31-289.

Cited 150 C. 156; 159 C. 53. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Sec. 31-355. Payments from fund on employer's failure to comply with award.

When an award of compensation shall have been made under the provisions of this chapter against an employer who fails or is unable to pay the medical and surgical aid or hospital and nursing service required under section 31-294 or any type of compensation for disability, or both, whether for total or partial disability of a permanent or temporary nature, death benefit, funeral expense, dependency allowance, or any adjustment in compensation required by this chapter, hereafter referred to as "the compensation" and whose insurer fails or is unable to pay the compensation, such payments shall be made and compensation provided from the second injury and compensation assurance fund established in section 31-354. Upon finding by the commissioner of such failure to pay compensation, he shall give notice to the treasurer of such award, directing the treasurer to make payment from said fund. The employer and the insurer if any shall be liable to the state for any such payments made out of said fund or which the state has by award become obligated to make from said fund, together with cost of attorneys' fees as fixed by the court.

(1959, P.A. 580, S. 13; 1961, P.A. 491, S. 81; 1969, P.A. 696, S. 16.)

Where injury complained of occurred prior to effective date of number 580 of the 1959 public acts, and award in favor of injured employee was made subsequent to that date, provisions of act apply to award so as to require state treasurer to pay it. 150 C. 153. "Second injury fund," legislative history and purpose discussed. 166 C. 352.

Cited 28 CS 5

CHAPTER 569

FULL EMPLOYMENT ACT

Sec. 31-356. Short title.

This chapter may be cited as the "Full Employment Act of 1972."

(1972, P.A. 221, S. 1.)

Sec. 31-357. Statement of policy.

It is the continuing policy and responsibility of the state government to use all practicable means consistent with its needs and obligations and other essential considerations of state policy, with the assistance and cooperation of industry, agriculture, labor and local governments, to coordinate and utilize its plans, functions and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there shall be afforded useful employment opportunities, including self-employment, for those able, willing and seeking to work, and to promote maximum good quality employment, production and purchasing power.

(1972, P.A. 221, S. 2.)

Sec. 31-358. Council of economic advisors.

There shall continue to be a council of economic advisors which shall be within the office of the governor. The governor shall designate three members, the speaker of the house one and the president pro tempore of the senate one. The commissioner of commerce shall serve as an ex-officio member of said council. The governor shall designate one of the members of the council as chairman.

(1972, P.A. 221, S. 3; P.A. 74-194, S. 1, 4; P.A. 75-219, S. 1, 2.)

Sec. 31-359. Duties of council.

The council of economic advisors shall:

(a) Report to the governor and general assembly on or before September first, annually, on the state of the economy and at such other times as it may deem in the public interest with respect to its findings and conclusions;

(b) Gather timely and authoritative information concerning the economic growth and development of the state, and analyze the trends and developments in the state's economy;

(c) Provide for state officials and for the public, comprehensive information about the economic character, performance and prospects for the state;

(d) Analyze and assess the laws, programs and activities of the state as to their effect upon the economy;

(e) Evaluate the impact of international, federal and other state programs in terms of their effect upon the economy of Connecticut;

(f) Make reports and undertake, at the request of the governor, such studies as may be pertinent to the economic health of the state;

(g) Assist the governor and the executive departments with the establishment of statistical standards and procedures;

(h) Recommend a state growth policy compatible with environmental and economic goals of the state to insure an optimal standard of living for its citizens.

(1972, P.A. 221, S. 4; P.A. 74-194, S. 2, 4.)

Sec. 31-360. Utilization of materials and services of other agencies.

The council may request the preparation of appropriate study materials and supporting information from any state agencies and departments as it may find necessary in the performance of its functions. The council shall, to the fullest extent possible, utilize the services, facilities and information of other government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

(1972, P.A. 221, S. 5.)

Sec. 31-361. Meetings. Compensation and reimbursement of expenses.

The council shall meet quarterly or more frequently, as required, to fulfill its responsibilities. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in connection with the discharge of their duties.

(1972, P.A. 221, S. 6; P.A. 74-194, S. 3, 4.)

Sec. 31-362. Governor to report to general assembly.

The governor shall transmit to the general assembly not later than the second week after the opening of the legislative session of each year a report on the state of the economy setting forth (1) the levels of employment, production and purchasing power obtaining in the state and the major areas in which state efforts are required to implement the policy declared in section 31-357; (2) a program for carrying out the policy declared in said section 31-357, together with such recommendations for legislation as he may deem necessary or desirable.

(1972, P.A. 221, S. 7.)

CHAPTER 569a

COMMISSION ON JOB INNOVATION AND DEVELOPMENT

Sec. 31-362a. Commission on job innovation and devlopment.

(a) There is established a commission on job innovation and development consisting of the commissioner of commerce, the labor commissioner and the secretary of the state board of education or their respective designees, and four members appointed by the governor, one of whom shall be a representative of labor, one a representative of management and two representatives of the general public. Of the members first appointed, two shall be appointed for the terms three years, one for two years and one for one year. Thereafter, all appointments shall be for terms of three years.

(b) The commission shall elect a chairman from among its members and shall adopt such rules of procedure as are necessary to carry out its functions. Members shall serve without compensation and without reimbursement for expenses. The departments of commerce, transportation, public works, social services, corrections and labor, the council of economic advisors, and the state board of education shall cooperate with the commission and furnish such information as may be necessary to carry out the purposes of sections 31-362a to 31-362f, inclusive. The department of commerce shall provide the commission, within the limits of its appropriation, such clerical and other assistance as is necessary to carry out the purposes of sections 31-362a to 31-362f, inclusive.

(P.A. 75-208, S. 1, 2, 4; P.A. 76-56, S. 5, 6.)

Sec. 31-362b. Duties of commission.

The commission shall: (1) Evaluate existing and potential job skills needed for Connecticut business and industry; (2) coordinate and recommend improvements in vocational educational programs in order to match vocational programs with job needs; (3) encourage work-study programs in industry and more scholarships funded by employers, unions and government; (4) encourage retraining programs for the underemployed and unemployed in order to provide a guaranteed work force; and (5) evaluate and make recommendations for executive and legislative action to improve programs regarding job innovation and development. The commission shall make a report of its findings and recommendations to the governor and general assembly not later than February 15, 1976, and annually thereafter.

(P.A. 75-208, S. 3, 4.)

Sec. 31-362c. Statement of policy. Mini-jobs.

It is found and declared that there has been and continues to be a severe unemployment problem in this state; that allowing unemployment to go unchecked results in increased state costs in the form of welfare benefits, jobless payments, crime prevention, social services and correctional institutions, and that the harmful psychological, financial and social ramifications of being unemployed must be avoided. It is therefore further found and declared that it is essential to adopt in this state an innovative and realistic approach to the unemployment problem; that the limited available work must be distributed throughout the unemployed population; and that it is necessary to develop and coordinate a plan of identifying and providing mini-jobs and matching unemployed persons to those jobs.

(P.A. 76-56, S. 1, 6.)

Sec. 31-362d. Definitions.

For purposes of sections 31-362a to 31-362f, inclusive: (1) "Commission" means the commission on job innovation and development established pursuant to section 31-362a and (2) "mini-job" means a job with a maximum work week of twenty-five hours per week.

(P.A. 76-56, S. 2, 6.)

Sec. 31-362e. Responsibilities of commission with regard to mini-jobs.

The commission shall in addition to its responsibilities prescribed by section 31-362b.

(1) Provide for the collection and collation of population and employment data in order to project who is working, who is not working and who will be entering the job market, as well as an analysis of data concerning present job requirements and potential needs of new industry;

(2) Develop a plan to implement the mini-job concept;

(3) Coordinate and implement the mini-job development plan, including the provision of those general support facilities considered by the commission to be necessary, desirable or appropriate in carrying out the provisions of the mini-job implementation plan;

(4) Provide for the education and training of persons in order to match such persons with available jobs;

(5) Provide for utilization of private employers for implementation of some or all of the requirements of the mini-job development plan.

(P.A. 76-56, S. 3, 6.)

Sec. 31-362f. Pilot mini-job program.

The commission shall institute a pilot mini-job program in a limited area and shall report to the 1977 session of the general assembly on or before February 1, 1977, with respect, thereto, including in such report any recommendations for legislation to further the purposes of sections 31-362a to 31-362f, inclusive.

(P.A. 76-56, S. 3, 6.)

CHAPTER 691a

PROFESSIONAL LIABILITY INSURANCE

Sec. 38-370a. Record of cancellation of professional liability policies.

Each insurance company doing business in this state shall, annually, on or before the first day of March, render to the insurance commissioner a true record of the number, according to classification, of cancellations of and refusals to renew professional liability insurance policies for the year ending on the thirty-first day of December next preceding.

(P.A. 76-61.)

Sec. 47-47. Barbed wire between adjoining premises or enclosing grounds of public buildings.

No person shall use barbed wire in the construction of fences, or have barbed wire upon existing fences, between his own premises and those of an adjoining proprietor, within twenty-five rods of any house or barn belonging to such proprietor, without first obtaining his written consent. No barbed wire shall be used in the construction of fences, or retained upon existing fences, connected with or enclosing the grounds of any public school or public building. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

(1949 Rev., S. 7157.)
See note to Sec. 47-48.

Sec. 48-5. Powers of towns in taking land for school purposes.

Towns shall have the same powers and be subject to the same regulations as school districts, in taking land for schoolhouses and other school purposes.

(1949 Rev., S. 7176.)
Cited. 138 C. 88; 148 C. 47. Town could delegate its power to condemn to the board of education after complying with section 10-241a. 168 C. 135.

Sec. 48-9. Condemnation of land and water for state institutions and courthouses.

Subject to the provisions of section 4-26b, the state may take land, or any interest or estate therein, for the site, or for any addition to the site, of any state institution or courthouse, or for any addition to the site of any state college, vocational school or technical institute, and also may take water from any river, brook, spring or springs, pond or lake for the purpose of providing such supply of water as the convenience and necessity of such institution may require. The amount of damages for any such taking shall be determined in the manner provided by section 48-10.

(1949 Rev., S. 7177; March, 1958, P.A. 12, S. 1; 1959, P.A. 411, S. 14; 1967 P.A. 420; P.A. 75-425, S. 44, 57.)
See Sec. 10-116a.
Tuberculosis commission had authority to take land under this section. 109 C. 633. Cited. 116 C. 125; 124 C. 32.
Cited. 9 CS 486; 20 CS 422.

Sec. 48-10. Damages to be determined by state referee.

The determination of the amount of damages in any case brought by the state to condemn land or any interest therein shall be referred to a state referee.

(1949 Rev., S. 7178.)

This statute applicable in condemnation by state park and forest commission, and superseded statute prescribing different method of appraisal. 116 C. 119. In matter referred to state trial referee, sec. 51-29, limiting time for decision, is inapplicable. 164 C. 360.

Sec. 48-12. Procedure for condemning land.

The procedure for condemning land or other property for any of the purposes specified in sections 48-3, 48-6, 48-8 and 48-9, if those desiring to take such property cannot agree with the owner upon the amount to be paid him for any property thus taken, shall be as follows: The comptroller in the name of the state, any town, municipal corporation or school district, or the trustees or directors of any state institution in the name of the state, shall proceed in the same manner specified for redevelopment agencies in accordance with sections 8-128, 8-129, 8-129a, 8-130, 8-131, 8-132, 8-132a and 8-133.

(1949 Rev., S. 7181; 1959, P.A. 152, S. 65; 1961, P.A. 413; 1967, P.A. 808, S. 1; 1972, P.A. 294, S. 34.)

See Sec. 27-45.

Power of legislature to delegate determination of necessity to subordinate bodies. 86 C. 157; 100 C. 411. Necessity means a reasonable necessity. 86 C. 361. When application may be made to judge. 85 C. 602. Notice of application; should describe property with certainty. 86 C. 361; 113 C. 655. Prayer for relief. 87 C. 199. When motion to dismiss application lies. 72 C. 692. Appeal from appointment of appraisers. 75 C. 237; id., 325; 78 C. 1; 85 C. 663. Necessity of finding a failure to agree. 69 C. 438; 72 C. 492; 80 C. 38; 85 C. 604; 86 C. 658; Proceedings before appraisers and on report. 74 C. 452; 75 C. 237; 76 C. 565; 79 C. 526; id., 606; 80 C. 38; 82 C. 460; 92 C. 32ff. Just compensation. 75 C. 239; 76 C. 435; 82 C. 378; id., 460; 92 C. 33. Interest on award. 72 C. 277; 75 C. 239; 82 C. 51; id.,379; 84 C. 122; 85 C. 552; 95 C. 6, 9; 108 C. 370. Judgement accepting report not to direct payment of damages when. 75 C. 239. Injunction to restrain taking of land till compensation is made. 70 C. 616; 82 C. 157. See note to Conn. Const., Art. 1, Sec. 11. All legal requirements must be complied with, and such compliance must appear on face of papers. 92 C. 435; 95 C. 3. Not necessary to include separate tracts of land in one petition if direct damage to one and consequential damage to the other. Id., 381, 382. What costs should be allowed. 100 C. 412. Assessment of damages by subdivision of municipality; limited scope of this section. 100 C. 606; id., 408; 109 C. 632. Interest runs from time land is actually appropriated, not from time condemnation proceedings are instituted. 108 C. 370. Cited. 116 C. 124; 124 C. 32; 137 C. 443; 138 C. 372; 141 C. 135. See note to Sec. 48-2 re 124 C. 616. Inability to agree is a condition precedent to relief under the statute. 138 C. 82. Proper to consider existence of going business on land as indicative of highest economic use to which land may be put. 139 C. 73. Damage must be peculiar to land in connection with which it is claimed and not damage which is suffered by landowners in general. 145 C. 196. Cited. 146 C. 55; 153 C. 292. The question as to when a taking is complete is one of substantive law and depends upon the law of each state. 148 C. 47. Under this section the petitioner is not entitled to possession of the land before the amount of the judgement has been paid or deposited with the state treasurer unless permission has been granted under section 48-16 to enter into possession pending the condemnation proceedings. Id. Court found that where negotiations with one co-owner fail, there is no necessity for further negotiations with the owner. 151 C. 633. Adequate remedy at law is here provided; parties not entitled to seek injunction or other equitable relief. 154 C. 446. Eminent domain cases are referred to referees by special statutory provision, so consent of parties is not required. 164 C. 360.

County commissioner must bring condemnation proceedings in the name of the county. 6 CS 142. Cited. 9 CS 317. Report of committee recommitted when it set forth the interest each party had in the property and made no finding of each in the award. Id., 484. This section expressly recognizes the right of a town to withdraw the proceedings even after possession of the property has been turned over. 16 CS 230. Condemnation proceedings can be instituted only by those on whom the requisite authority has been conferred by the legislature. Such authority is strictly construed in favor of the owner of the property taken and gainst the condemnor. A municipality does not have the power of eminent domain which is vested in a parking authority. 19 CS 47. See note to 48-6. Cited. 20 CS 422.

CHAPTER 904*

ATTACHMENTS

*See chapter 903a re prejudgment remedies.

Sec. 52-279. When attachments may be granted.

Attachments may be granted upon all complaints containing a money demand against the estate of the defendant, both real and personal, and for want thereof against his body; provided no attachment shall be granted against the body in any tort action unless it is within the provisions of section 52-562, nor in any action unless execution against the body may issue therein, nor unless each cause of action in the complaint is such that execution may issue against the body of the defendant upon a judgment founded thereon. No attachment shall be made in any action for slander, libel or invasion of privacy except upon order of the court to which the writ is made returnable. No attachment shall be made against the real or personal property of any municipal official in any action against the municipality or its officials acting within the scope of their authority except upon order of the court to which the writ is returnable. No attachment shall be made against the real or personal property of a member of the state or any municipal police force in an action involving his conduct as a policeman except (1) when such policeman has been dismissed from the police force of which he was a member at the time of the incident which gave rise to the action or (2) upon order of the court to which the writ is returnable. No attachment shall be made against the real or personal property of any member, teacher or employee, as defined by section 10-235, of any board of education, the commission for higher education or governing board of any state institution of higher education, in any action against any board or commission as defined by said section or against any such member, teacher or employee involving his conduct as such member, teacher or employee, or against any member of any other appointed or elected municipal board or commission in any action against such board or commission or against such member involving his conduct as such member, except upon order of the court to which the writ is returnable. No attachment shall be made against the real or personal property of any Connecticut canine control officer or regional Connecticut canine control officer, appointed under the provisions of section 22-328, in any action against any such officer involving his conduct as such officer except upon order of the court to which the writ is returnable.

(1949 Rev., S. 8022; 1951, S. 3192d; 1959, P.A. 172; 1967, P.A. 275, S. 2; 679; 837; 1969, P.A. 505; 1972, P.A. 4; 201, S. 2; P.A. 73-495.)

See Secs. 52-288, 52-337a.

For exemptions, see Sec. 52-352.

Fraud complaint not amendable by adding count in contract, when. 63 C. 370. Validity of attachment cannot control the judgement to be rendered on the facts alleged and proved. 68 C. 471; 77 C. 347. None allowed in equitable proceeding not claiming damages. 75 C. 191. History and nature of process. 84 C. 622; 85 C. 573; 90 C. 570; 109 C. 434. Offer of stranger to pay debt will not defeat right. 76 C. 515. Colorable or fraudulent transfer of property will not prevent. 68 C. 389; 84 C. 682; 85 C. 698; 101 C. 565. Attachment of body when property put out of reach. 74 C. 671; 81 C. 628; 84C. 628. Equitable interests as subject to. 71 C. 154; 76 C. 528; 83 C. 355. But not interests so uncertain as not to be salable on execution; 71 C. 149; nor property in the hands of receiver. 66 C. 350; 71 C. 345. Law subjects all property to attachment as far as possible. 85 C. 67. But alimony is not property. 102 C. 708. Public policy does not prevent attachment of property of street railway company. 89 C. 59. But see 52-288. Personal property sold but not delivered still subject to attachment against seller; 72 C. 509; 74 C. 146; 86 C. 372; even though sold on condition; 70 C. 505; 77 C. 38; 86 C. 372; or colorable delivery made; 68 C. 389; 86 C. 372; 101 C. 565; but rule applies only to tangible property; 87 C. 601; as to mortgaged personal property. 72 C. 510; 77 C. 370; 101 C. 565. Application of state law to procedure in federal court. 73 C. 154. Interest of tenant in common or of partner in goods is attachable. 68 C. 16; 71 C. 698. Attachment where lease gives tenant right to replace property; 80 C. 14; of stock of non resident in local corporation. 84 C. 618. Attachment of body of one brought wrongfully within the jurisdiction is void. 85 C. 327. In divorce action; effect as regards order for periodic payments of alimony. 94 C. 284. Limitations on attachment of body. 105 C. 683. For review of history of law regarding attchment of real estate, see 109 C. 434. Alimony may not be attached. 102 C. 708. History of statutes re body attachments; limited to tort actions brought under section 52-562 and to contract actions specified in section 52-355. 111 C. 228. Does not limit power to reduce attachments under sections 52-301 and 52-302. 141 C. 176. The word "estate" renders liable for attachment certain legal and equitable interests in property which are within the debtor's control though legal title may be in another. 142 C. 320. Attachment of joint tenancy with right of survivorship does not in itself produce a severance but the execution levy, at least upon a sale, does. 146 C. 332. Cited. 71 C. 154; 72 C. 159; 141 C. 407. See note to section 52-280. Cited. 162 C. 256. Second mortgagee has no standing to challenge the constitutionality of this section in attempt to invalidate attachments prior to his mortgage rights. 168 C. 43.

Cited. 12 CS 106; 16 CS 95. Where body attachment is made, defendant cannot remain silent and later claim that officer failed to find property open to attachment. Id., 242. No distinction is to be drawn between slander and slander of title. 23 CS 282. Attachment invalid under complaint containing several causes of action, when. 29 CS 324.

Sec. 52-557. Injury to children being transported to school.

In any action brought by any person for personal injuries received while being transported to or from school in a vehicle owned leased or hired by, or operated under contract with, any town, school district or other municipality, it shall be no defense that such transportation is in the line of governmental duty. In any such action brought against any town, school district or other municipality, it shall be no defense that the transportation was being provided by an independent contractor.

(1949 Rev., S. 8298.)

See Sec. 52-557c.

Sec. 52-557b. Immunity from liability for emergency medical assistance or first aid.

No person licensed under the provisions of chapter 370 or members of the same professions licensed to practice in any other state of the United States, and no person licensed as a registered nurse under section 20-93 or 20-94 or certified as a licensed practical nurse under section 20-96 or 20-97, who, voluntarily and gratuitously and other than in the ordinary course of his employment or practice, renders emergency medical or professional assistance to a person in need thereof, and no paid or volunteer fireman or policeman, and no member of a ski patrol, and no lifeguard, and no conservation officer, patrolman or special policeman of the department of environmental protection, and no ambulance personnel, which fireman, policeman, ski patrol member, lifeguard, conservation officer, patrolman or special policeman of the department of environmental protection or ambulance personnel has completed a course in first aid offered by the American Red Cross, the American Heart Association, the state department of health or any municipal health department, as certified by the agency offering such course, who renders emergency first aid to a person in need thereof, shall be liable to such person assisted for civil damages for any personal injuries which result from acts or omissions by such person in rendering the emergency care or first aid, which may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross, wilful or wanton negligence.

(1963, P.A. 205; 1967, P.A. 282; 878; 1969, P.A. 785; 1971, P.A. 729; P.A. 75-132; 75-456, S. 1, 2.)

Sec. 52-557c. Standard of care applicable to owners and operators of school busses.

The standard of care applicable to the owners and operators of any school bus, as defined in section 14-275, or of any motor vehicle registered as a service bus transporting children to and from school or school activities, private or public camps or any other activities concerning the transportation of groups of children shall be the same as the standard of care applicable to common carriers of passengers for hire.

(February, 1965, P.A. 303, S. 1.)

Sec. 52-572. Parental liability for torts of minors. Damage defined.

The parent or parents or guardian of any unemancipated minor or minors, which minor or minors wilfully or maliciously cause damage to any property or injury to any person, or, having taken a motor vehicle without the permission of the owner thereof, cause damage to such motor vehicle, shall be jointly and severally liable with such minor or minors for such damage or injury to an amount not exceeding fifteen hundred dollars, if such minor or minors would have been liable for such damage or injury if they had been adults; provided nothing herein shall be construed to relieve such minor or minors from personal liability for such damage or injury. The liability herein provided for shall be in addition to and not in lieu of any other liability which may exist at law. As used in this section, "damage" shall include depriving the owner of his property or motor vehicle or of the use, possession or enjoyment thereof.

(1955, S. 3231d; 1959, P.A. 244; 549; 1969, P.A. 326; 1971, P.A. 314; 1972, P.A. 127, S. 75.)

New trial ordered as to second count where, in trial of causes of action alleged in two separate counts of common law negligence against child and his parents, jury returned verdict for plaintiff against child on first count and returned no verdict on second count against parents. 158 C. 553. Damage caused by auto tortiously taken by insured's son and damaged at place away from the insured's premises was not compensable to insured parents under their homeowners insurance policy coverage. 159 C. 252.

Parent is liable only where child himself might be required to respond in damages for his own tort. 20 CS 376. Parents sued for damage "wilfully or maliciously" caused by their child are in the same position with respect to the controlling statute of limitations as the child. Cause of action is controlled by threeyear limitation under section 52-577. 24 CS 320. Although child was in technical custody of welfare commissioner, he was sent home to his parents at which time he caused damage to plaintiff's automobile. Held father as well as minor was liable. 24 CS 357.

Fact that minor wes technically in custody of state did not relieve father of liability under this statute where son was under control of father. 3 Conn. Cir. Ct. 378. Cause of action brought under this section governed by three-year limitation set forth in section 52-577. 3 Conn. Cir. Ct. 379. Relief of parental liability, when. 6 Conn. Cir. Ct. 672. Cited. 6 Conn. Cir. Ct. 715.

Sec. 53-198. Smoking in motor busses, railroad cars and school busses.

No passenger while traveling upon, and no employee while engaged in the operation of, a common carrier motor bus, passenger railroad car or school bus, as defined in section 14-275, shall have a lighted cigarette, cigar or pipe in his possession. This section shall not apply to any special bus or to any compartment or part of a regular bus or passenger railroad car especially provided or set apart for smoking therein. Any person who violates any provision of this section shall be fined not more than twenty-five dollars.

(1949 Rev., S. 8529; 1959, P.A. 75; P.A. 73-90.)

CHAPTER 949b

ACADEMIC CRIMES

Sec. 53-392a. Definitions.

As used in this chapter: "Person" means any individual, partnership, corporation or association; "assignment" means any specific written, recorded, pictorial, artistic or other academic task that is intended for submission to any university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state, in fulfillment of the requirements of a degree, diploma, certificate or course of study at any such educational institution; and "prepare" means to create, write or in any way produce in whole or substantial part a term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment for a fee.

(P.A. 73-581, S. 1.)

Sec. 53-392b. Preparation of assignments for students attending educational institutions prohibited.

(a) No person shall prepare, offer to prepare, cause to be prepared, sell or offer for sale any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under the name of a student other than the author of the term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment in fulfillment of the requirements for a degree, diploma, certificate or course of study at any university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state.

(b) Nothing contained in this chapter shall prevent any person from providing tutorial assistance, research material, information or other assistance to persons enrolled in a university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state, which is not intended for submission directly or in substantial part as an assignment under the student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study or to prevent any person from rendering for a fee services which include the typing, research, assembling, transcription, reproduction or editing of a manuscript or other assignment which he has not prepared at the request of or on behalf of the purchaser.

(P.A. 73-581, S. 2, 3.)

Sec. 53-392c. Excepted actions.

Nothing contained in this chapter shall prevent any person from selling or offering for sale a publication or other written material which shall have been registered under the United States laws of copyright, provided the owner of such copyright shall have given his authorization or approval for such sale and provided such publication or other written material shall not be intended for submission as a dissertation, thesis, term paper, essay, report or other written assignment to an educational institution within the state of Connecticut in fulfillment of the requirements for a degree, diploma, certificate or course of study.

(P.A. 73-581, S. 4.)

Sec. 53-392d. *Enforcement by the attorney general.

Whenever the attorney general, or his deputy, has reason to believe that any person has violated any of the provisions of this chapter, he may bring an action in the court of common pleas for Hartford county to enjoin the continuance of such violation; and, if it appears to the satisfaction of the court that the defendant has, in fact, violated this chapter, an injunction may be issued enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In connection with any such proposed application, the attorney general may conduct an investigation, subpoena witnesses and documents deemed by him necessary to the conduct of such investigation and, in the event of noncompliance with any such subpoena, may apply to the court of common pleas for Hartford county, which may issue an order requiring such compliance.

(P.A. 73-581, S. 6.)
***See P.A. 76-436, S. 278 for amendment, effective July 1, 1978, relative to superior court jurisdiction.**

Sec. 53-392e. Unlawful preparation of academic assignments: Class B misdemeanor.

Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor. Any court of competent jurisdiction may grant such further relief as is necessary to enforce the provisions of this chapter, including the issuance of an injunction.

(P.A. 73-581, S. 5.)

Sec. 53a-18. Use of reasonable physical force or deadly physical force generally.

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian, teacher or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent that he reasonably believes it is necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the department of correction.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable physical force when and to the extent that he reasonably believes it is necessary to maintain order, but he may use deadly physical force only when he reasonably believes it is necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use reasonable physical force upon such person to the extent that he reasonably believes it is necessary to thwart such result.

(5) A duly licensed physician, or a person acting under his direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision, or (B) is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(1969, P.A. 828, S. 18; 1971, P.A. 871, S. 4; P.A. 73-205, S. 6.)

Sec. 53a-35. Imprisonment for felony: Indeterminate; maximum and minimum sentences.

(a) A sentence of imprisonment for a felony shall be an indeterminate sentence, except as provided in subsection (d). When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d).

(b) The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows: (1) For a class A felony, life imprisonment; (2) for a class B felony, a term not to exceed twenty years; (3) for a class C felony, a term not to exceed ten years; (4) for a class D felony, a term not to exceed five years; (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a.

(c) Except as provided in subsection (d) the minimum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows: (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years; (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59 (a) (1), 53a-101 (a) (1) or 53a-134 (a) (2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced; (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.

(d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year.

(1969, P.A. 828, S. 35; 1971, P.A. 871, S. 13; P.A. 73-137, S. 8; P.A. 74-186, S. 9,12; P.A. 75-380, S. 14; 75-411, S. 3; P.A. 76-435, S. 2, 82.)

Courts may impose a definite sentence for a felony of one year or less. 31 CS 350.

PART XVI

LOITERING IN OR ABOUT SCHOOL GROUNDS, PUBLIC INDECENCY

Sec. 53a-185. Loitering in or about school grounds: Class C misdemeanor.

(a) A person is guilty of loitering on school grounds when he loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or any other license or privilege to be there. (b) Loitering in or about school grounds is a class C misdemeanor.

(1969, P.A. 828, S. 187.)

INDEX OF EDUCATION LAWS

Academic crimes-- See assignments, unlawful preparation of, below, this head.

Adult education programs--
  Adult defined 10-69
  Aged, recreational programs 10-69
  Basic programs--
    Grants for 10-73b(b)
    Initiation of 10-73b(a)
    Purposes of 10-73b(a)
  Blind persons 10-295(c)
  Citizenship and English--
    Offered, when 10-69, 10-71
    Tuition, not payable 10-73a
  Director of--
    Appointment of 10-68
    Salary for, regulations re 10-68
  Establishment of 10-69
  Exclusion from--
    Application for 10-72
    Ruling on 10-72
  Fees and charges 10-73a
  Funding of 10-73b
  Non-sponsoring school district defined 10-73a(a)
  Personnel, necessary, employment of, for 10-70
  Petition for 10-69
  Registration fee, regulations re 10-73a
  Regulations re 10-69
  Rooms, provision of 10-70
  School district programs 10-73a
  Sponsoring school district defined 10-73a(a)
  State aid 10-71
  State board of education, approval by 10-71
  Town, reimbursement to, for 10-71
  Tuition fee regulations 10-73a

Age for public school attendance 10-15

Agriculture centers, regional vocational, See Regional vocational agriculture center, below, this head.

Aid, educational--
  Grants, See Grants below, this head.
  Scholarships, See Scholarships below, this head.
  State aid, See State aid below, this head.
  Veteran, child of, See Veterans below, this head.

Alcohol, effect of, instruction programs about--
  Required 10-15, 10-19
  Teachers, trained for 10-19

Allocation of facilities to state agencies 4-133a

Anchor clubs day--
  Designation 10-30(h)
  School exercises on 10-30(h)

Appropriations--
  Contracting in excess of 7-348
  Penalty for exceeding 4-100, 7-347
  Transfer and revision 4-87

Arbor day--
  Designation 10-30(f)
  School exercises on 10-30(f)

Assignments, unlawful preparation of--
  Definitions 53-392a
  Enforcement 53-392c, d, e
  Preparation of assignments prohibited 53-392b

Attendance officers--
  Duties of 10-199
  Salary of 10-225

Average daily membership grant--
  Amounts payable 10-263b
  Defined 10-262
  Limited 10-261

Bequests for educational purposes 10-9

Bicultural program of study--
  Establishment 10-17a
  Federal funds 10-17d
  Instructions in, determination re 10-17b
  Materials for 10-17b
  Procedure 10-17b
  Purposes 10-17b
  State board of education, evaluation by, re 10-17c(b)
  Waiver of certification requirements 10-146f

Bilingual program of study, See Bicultural program of study above, this head.

Boards of Education--
  Annual report, made by 10-222
  Appropriations, request for 10-222
  Attachments prohibited, when 52-279
  Attendance officers--
    Appointment by 10-199
    Salary 10-225
  Authorization from, re state aid 10-262e
  Books--
    Changing of, regulations re 10-229
    Loaning of 10-228, 10-228a
    Purchasing of 10-228
  Certificate of age, issued to employees 10-193, 10-194
  Commission for higher education--
    Employees, liability of, protection re 10-235
    Teachers, liability of, protection re 10-235
  Demonstration scholarship program authorization act of 1972--
    Cited as 10-239a
    Construction of provisions re 10-239h
    Definitions 10-239b
    Demonstration board and staff--
    Collective bargaining by teachers, effect of provisions on 10-239f
      Duties, generally 10-239d
      Establishment of 10-239d
      Evaluations by 10-239g
      Member of--
      Appointment of 10-239d
      Term of 10-239d
      Report by 10-239g
      Scholarship--
      Amount of 10-239d(3)
      Awarding of 10-239d(2)
      Compensatory, issuance of 10-239d(4)
  Demonstration scholarship program
    authorization act of 1972--cont.
      Scholarship--cont.
    Demonstration board and staff--cont.

- Contracts re 10-239d(6),(7)
- Uses of 10-239e
- Federal funds, use for 10-239c, 10-239d
- Legislative intent re 10-239a
- Purposes of 10-239a
- Schools participating 10-239e

Dental hygienists, employed by 10-213
Driver education programs 10-24, 10-24b
Drugs--
- Drug and alcohol education 10-220a
- Education programs 10-220a(b)
- In-service training re 10-220a
- Statement re 10-220a(c)

Duties of 10-220
Educational interests, failure to implement 10-4b
Employees of, liability of, protection re 10-235
Employers, accredited courses offered by 10-21a
Employment of members, restriction on 10-232
Employment of teachers, duties re 10-151
Expenditures, return of, required 10-227
Eye protective devices, duties re 10-214a
Federal funds--
- Application for, by 10-17d
- Receipt of, provision for 10-17d

Fire drills, number of, duty to provide 10-231
Fire safety regulations, duties re 19-383
Flags, regulations re 10-230
Fraud by member of, penalty 10-254
High school accounts--
- Establishment of 10-223
- Reports re 10-223

Immunization requirements, duties re 10-204b
In-service training program, provided by 10-220a(a)
Intergroup relations programs, duties re 10-226g
Liability, regulations re--
- Insurance for 10-236
- Protection re 10-235

Local--
- Number of 9-203, 9-205, 9-206a
- Term of office 9-203, 9-206a

Meditation, silent 10-16a
Meetings, calling of, procedure for 10-218
Members--
- Employment of, restricted 10-232
- Fraud by, penalty 10-254
- Number of 9-203, 9-205, 9-206a

Minority representation 9-204
Oath of office, required 10-218a
Officers, election of 10-218
Optometrists, duties re 10-214, 20-136
Personnel, indemnification of 10-236a
Playgrounds, recreation centers, jointly maintained by 7-130
Public hearing by, procedure for request of 10-238
Pupils--
- Expulsion of, procedure re, Sec. 10-234 rd 10-234
- Suspension of, authority for, Sec. 10-233 rd 10-233

Pupils of racial minorities--
- Data re, submitted by 10-226a(a)
- Defined 10-226a(b)

Racial imbalance--
- Correcting of, plan for 10-226c
- Defined 10-226b(b)
- Notification of 10-226b(a)

Receipts, return of, required 10-227
Regulations, duty to prescribe 10-221
Reports by, required 10-226
Salaries--
- Attendance officers 10-225
- Secretary 10-225

School activity funds--
- Establishment of 10-237
- Uses of 10-237

School construction, duties re 10-291
School facilities, use of for other purposes, approval of, required 10-239
School nurses, duties re appointment 10-212
Secretary of--
- Duties 10-224
- Salary, regulations re 10-225

Silent meditation 10-16a
Social studies textbooks, duties re 10-18a
Special education programs, duties re 10-76d, 10-76e
State aid, authorization re 10-262e
State board of education--
- Demonstration scholarship programs, reports to, re 10-239g
- Employees, assault upon indemnification 10-236a
- Expenditures, return of, to 10-227
- Insurance for 10-236
- Racial imbalance--
  - Correction of, approval of plan for, required 10-226d
  - Determination 10-226b
  - Regulations re, establishment of 10-226e
- Receipts, return of, to 10-227
- Reports to 10-226
- Statistics, return of, to 10-227

Statistics, return of, required 10-227
Summer courses--
- Establishment of 10-74a
- Fee for, duties re 10-74a

Superintendent for more than one town--
- Cooperative arrangements 10-158a

Teachers--
- Contract negotiations, See Teachers, negotiations.
- Liability of, protection re 10-235(a)
- Negotiation with representatives 10-153b
- Retirement systems, duties re 10-178, 10-179

Teacher's retirement regulations, duties re 10-178
Term 9-203, 9-203a
Textbooks, regulations re, See Books below, this head.
Transportation, duties re 10-186, 10-281
Truant officers, appointed by 10-199
Vacancy on, filling of 10-219
Vaccination, may require 10-204, 10-204a

Bond acts, state, review 2-27b

- **Bonded indebtedness of municipalities** 7-374
  - Limitations 7-374
  - Renewal of temporary notes 7-378a
- **Bonds--**
  - Issuance of by state commission 10-180b
  - For purposes of school buildings 10-287d, 10-289
  - State general obligation bond procedure act 3-20
- **Books--**
  - Change in 10-229
  - Free to pupils 10-228
  - Local board of education, powers re 10-221, 10-229
  - Social studies texts, requirements of 10-18a
  - State aid 10-267
  - State board of education, powers re 10-4
- **Building projects**, See Construction of schools, below, this head.
- **Career education programs** .... 10-38l(a), 10-94e, 10-96a
- **Child--**
  - Definition of .... 10-76a(b)
  - School age defined .... 10-76a(i)
- **Children's Center, education at--**
  - Costs, regulations re .... 10-94c(b),(c)
  - Emotionally maladjusted children, instruction of 10-94b
  - Funds for 10-94d
  - Grants to 10-94d
  - Social services commissioner, children placed in, by .... 10-94c(a)
  - Socially maladjusted children, instruction of 10-94b
- **Children and youth services--**
  - Rights of children under supervision of 17-440
  - Special school district 17-441
- **Commission for higher education--**
  - Aid to child of veteran, approved by 10-26
- **Commission on Connecticut's future--**
  - Duties 16a-35
  - Establishment 16a-34
  - Membership 16a-34
- **Commission on job innovation and development--**
  - Duties 31-362b, 31-362c
  - Secretary of state board of education as member 31-362a
  - Statement of policy 31-362c
- **Compact administrator--**
  - Designation by governor 17-259
  - Mentally ill children and youth 17-259
- **Construction grants** 10-286
- **Construction of schools--**
  - Bond issues for 10-287d, 10-289
  - Definitions re 10-283
  - Plans approval by town board and building committee 10-291
  - State aid for definitions for 10-282
- **Contracts--**
  - Filing of 10-146e
  - Inter-community 10-266j
- **Correction department--**
  - Average daily membership, amounts in payable to . 10-263b
- **Courses**, See Subject below, this head.
- **Deaf persons, interpreters** 17-137k-j, 17-137o, 10-137p
- **Death benefits** 10-168
- **Diploma, state high school** 10-5
- **Discrimination - in public schools, prohibited** 10-15
  - of teachers 10-152, 10-153
- **Driver education program--**
  - Administration 10-24d
  - Board of education, duties re 10-24
  - Consultant for 10-24d
  - Establishment 10-24d
  - Regulations re 10-24d
  - School activity funds, finances handled by .... 10-237(1)(b)
  - Tuition charged, when 10-24b
  - Vehicle, marking of 14-292
- **Drug advisory council--**
  - Drug council 19-444a
  - Establishment 19-444
  - Executive director of drug council 19-444b
  - Meetings, hearings 19-446, 19-447
  - Receipt of federal funds, duties re 19-445
  - Regulations re, continued 19-449
- **Drugs--**
  - Controlled substances 19-450a
  - Manufacturer and distribution of 19-452
  - Regulation of 19-451
- **Elderly citizens day--**
  - Designation .... 10-30(l)
  - School exercises on .... 10-30(l)
- **Emotionally maladjusted children**, education of, See Children's Center generally, above, this head.
- **Employers, accredited courses offered by** 10-21a
- **English language--**
  - Instruction in 10-17
  - Teaching of 10-17
- **Equality of educational opportunity** 10-15
- **Equalization, through state aid** 10-261
- **Equalized education, grants to** 10-262c
- **Equalized net grand list for fiscal year ending 1976, 1977 and 1978** 10-262d
- **Equalized net grand list per capita** 10-261, 10-262c
- **Exceptional child** 10-76a, 10-76b
- **Experimental educational programs--**
  - Acceptance of, required 10-76k
  - Development 10-76k
  - Requirements re 10-76k
- **Fair employment practices--**
  - Commission on human rights and opportunities 31-123
  - Definitions 31-122
  - Enforcement of orders 31-128
  - Hearing examiners 31-124
  - Powers of commission on human rights and opportunities re 31-125
  - Pregnancy, termination 31-136
  - Procedure 31-127
  - Unfair employment practices 31-126
- **Federal funds for--**
  - Bilingual programs 10-17d
  - Disadvantaged children 10-266l
  - Feeding programs 10-215--10-215c
  - Pro rata distribution 10-262b
  - Receipt and expenditure 10-11, 10-11a
  - State board, report re .... 10-11(b)
  - Vocational rehabilitation division 10-105

Finance advisory committee 4-93

Financing of public--
- Equalized education, grants to 10-262c
- Equalized net grand list, fiscal year ending 1976, 1977 and 1978 10-262d
- Equalized net grand list per capita 10-261, 10-262c
- Guaranteed tax base program 10-261
- Lottery, portions to equalization grants 12-568
- Uniform fiscal year, towns not on 10-263a

Fire safety--
- Drills in schools 10-231
- Fastening of doors in schoolhouses 19-381
- Fire alarms in schoolhouses 19-382
- Penalties 19-383
- Stairways and fire escapes 19-384a, 19-385a, 19-386

Fire prevention day--
- Designation 10-30(a)
- School exercises on 10-30(a)

Fiscal year ending 1976, 1977 and 1978, equalized net grand list for 10-262d

Flag day--
- Designation 10-30(a)
- School exercises on 10-30(a)

Freedom of information commission 1-21j

Full employment act--
- Provisions 31-356, to 31-362

Gilbert School, agreements with, provision for 10-38

Grants, issuance of, for--
- Adult education programs, basic 10-73b(b)
- Audit of records re state grants for public education 10-260a
- Construction grants 10-286
- Equalized education, to 10-262c
- Newington Children's Hospital, re education of physically handicapped children 10-94
- Regional school district 10-53, 10-54, 10-76e
- Regional vocational agricultural center 10-65
- Vocational schools 10-96(a)

Guaranteed tax base programs 10-261

Handicapped individuals, vocational rehabilitation of 10-103

Hearing on, mediation as alternative to 10-76h

High school diploma--
- Generally 10-5
- Proficiency examination required 10-14f, 10-14h

High schools--
- Academy--
  - Approval of 10-34
  - Examination of 10-34
  - Tuition 10-34
- Accredited courses offered by employers 10-21a
- Endowed--
  - Approval of 10-34
  - Examination of 10-34
  - Tuition 10-34
- Incorporated--
  - Approval of 10-34
  - Examination of 10-34
  - Tuition 10-34
- Nonresident, discontinuance of facilities to 10-35
- Towns with none, procedure re 10-33

Highway safety, instructions re--
- Materials for 10-23
- Required 10-23

Highway safety course--
- Enrolment provisions 10-24(b)
- Establishment of 10-24(b)
- Fee for 10-24b
- Requirements re 10-24(b)

Indian day--
- Designation 10-30(c)
- School exercises on 10-30(c)

Kindergarten--
- School day, length of 10-16
- Sessions, yearly, length of 10-15, 10-15b

Language used for instructions 10-17

Learning disabilities, See Special education below, this head.

Leaving certificate--
- Employer's duty re 10-192
- For educationally retarded 10-190
- Issuance of rules and regulations for 10-189
- Physical examination for 10-191

Legal holidays 1-4, 10-30

Liability--
- Immunity from for emergency aid 52-557b
- Insurance for 10-236
- Parents for minors 10-572

Libraries, school--
- Advice and assistance to 10-28a

Lief Ericson day--
- Designation 10-30(j)
- School exercises on 10-30(j)

Local board of education--
- Authorization from, re state aid 10-262e
- Bicultural program of study--
  - Establishment of 10-17a
  - Instructions in, determination re 10-17b
  - Materials for 10-17b
  - Procedure 10-17b
  - Purposes of 10-17b
- Bilingual program of study, regulations re, See Bicultural program of study above, this subhead.
- Driver education program, duties re 10-24d
- Highway safety course--
  - Enrolment provisions 10-24(b)
  - Established by 10-24(b)
  - Requirements re 10-24(b)
- Motor vehicle operation course--
  - Enrolment provisions 10-24(b)
  - Established by 10-24(b)
  - Requirements re 10-24(b)
- Pupils, procedure re age requirement of 10-15
- Social studies, textbooks for, selection by 10-18a

Loyalty day--
- Designation 10-30(e)
- School exercises on 10-30(e)

Maine Memorial day--
- Designation 10-30(a)
- School exercises on 10-30(a)

Martin Luther King day--
- Designation 10-30(k)
- School exercises on 10-30(k)

- **Meetings**, See Public agency, meetings below, this head.
- **Mentally retarded child**, See Special education, below, this head.
- **Motor vehicle operation course--**
  - Enrolment provisions 10-24(b)
  - Establishment of 10-24(b)
  - Fee for 10-24b
  - Requirements re 10-24(b)
- **Motor vehicles commissioner**, driver education program, duties re 10-24d
- **Municipal auditing act--**
  - Audits of public and quasi-public bodies 7-396a
  - Definitions 7-391
  - Designation of auditor 7-396
  - Making of audits 7-392
  - Tax commissioner to review audit report 7-395
  - Working papers of accountants 7-393
- **Municipal appropriations--**
  - Contracting in excess of 7-348
  - Penalties for violation 7-349
  - Town meeting to increase amount 7-348
- **Municipal boards--**
  - Minority representation 9-167a
- **Municipal charters--**
  - Powers 7-194
  - Required provisions 7-193
- **Municipal employees, political activities** 7-421
- **Municipal improvements** 8-24
- **Municipality, nonresident high school students, facilities for--**
  - Discontinuance of 10-35
  - Notice re 10-35
- **Municipal officers** 9-185, 9-186
- **Mystic Oral School--**
  - Admission to nonresidents 10-316
  - Resident pupils 10-315
  - Resident support, care and education of 10-315
  - Supervision of by state board 10-313a
- **Nathan Hale day--**
  - Designation 10-30(g)
  - School exercises on 10-30(g)
- **Newington Children's Hospital**, physically handicapped children, program for--
  - Costs, statement of, required 10-93
  - Education at 10-92
  - Establishment of 10-92
  - Grants, issued for 10-94
- **Nicotine**, effect of, instruction programs about, See Alcohol above, this head.
- **Nondiscrimination clauses in state contracts** 4-114a
- **Nursery school, school day, length of** 10-16
- **Occupational training--**
  - Private schools for, licensing of 10-8
  - State aid for, Sec 10-266f rd 10-266f
- **Pan American day--**
  - Designation 10-30(d)
  - School exercises on 10-30(d)
- **Parents--**
  - Appeals of, to state board 10-187
  - Liability of for torts of minors 52-572
  - Liability of for school attendance 10-184, 10-185
- **Perceptually handicapped children**, education of, out-of-state facilities, regulations re 10-94a
- **Personal data--**
  - Actions against agency for violation 4-197
  - Agency duties re 4-193
    - Adoption of regulations re 4-196
  - Definitions 4-190
  - Disclosure of, prohibited when 4-191
    - Permission, required when 4-193
  - Petition to court for failure of agency to disclose 4-195
  - Refusal to disclose, judicial relief 4-196
- **Personnel**, See also Teachers below, this head.
  - Indeminification of, when 10-31
  - Professional, exchange of, provision for 10-27
- **Physical examinations--**
  - In public schools 10-206
  - Exemptions from 10-208
  - Leaving certificate 10-191
  - Records of, not public 10-209
  - Results of to parents 10-210
- **Physically handicapped children**, programs for, See Newington Children's Hospital above, this head.
- **Political activities of classified municipal employees** 7-421
- **Post-secondary schools**, prior to April 1, 1965, operation of 10-38a
- **Private--**
  - Attendance register 10-188
  - Citizenship courses 10-18
  - Educationally deprived children, state aid for programs 10-266a(c)
  - English, instruction in 10-17
  - Health and welfare services 10-217a
  - National school lunch act, applicable to 10-215a--10-215c
  - Occupational training, licensing for 10-8
  - Regional education service centers 10-66c, 10-66d
  - Reimbursement grants 10-281w--10-281gg
  - Special education, See Special education programs below, this head.
  - Transportation, hearing re failure to provide 10-281
- **Proficiency examinations--**
  - High school students 10-14e, 10-14h
  - Non-high school students 10-14f, 10-14h
- **Public agency--**
  - Definition 1-18a
  - Executive sessions 1-18a, 1-21
  - Meetings--
    - Conduct of 1-21a to 1-21h
    - Definition 1-18a
    - Photographing or broadcasting meetings 1-21a
    - Smoking in public meetings 1-21b
- **Public records--**
  - Access to 1-19, 1-19b
  - Application for copies 1-15
  - Computer-stored 1-19a
  - Definition 1-18a
  - Denial of access 1-21c
  - Exempt records 1-19
  - Judicial records and proceedings 1-19b
  - Penalty for destruction 1-21k
- **Public school sessions--**
  - Length of 10-15
  - Rescheduling of, excluded days 10-15
  - Shortening of, grounds for 10-15

- **Public schools--**
  - Building projects of, definitions for 10-282
  - Defined 10-281
  - Funds from state 10-285, 10-286, 10-286b
    - Application for 10-283
- **Puerto Rico day--**
  - Designation .... 10-30(i)
  - School exercises on .... 10-30(i)
- **Pupil clock hour, defined** 10-67
- **Pupils, age requirements** 10-15
- **Racial minorities, pupils of defined** 10-266a
- **Records, supervisory, access by teacher** 10-151a
- **Referendum, holding of, by--**
  - Temporary regional school study committee .. 10-45, 10-47c
  - Towns, re acquisition of school district site 10-49a
- **Regional board of education--**
  - Adult education program, tuition for 10-52
  - Authorization from, re state aid 10-262e
  - Bonds--
    - Issuance of and regulations for .... 10-56(a)
    - Payment on, default in 10-58a
  - Constitutionality of representation 10-63j, 10-63q
  - District meetings--
    - Annual, date for, specified 10-47
    - Conducting of, procedure 10-47
    - Officers, duties of 10-47
    - Special meetings 10-47
  - Duties of 10-47
  - Grades, addition or withdrawal of, duties re .... 10-47b(a)
  - Highway safety course--
    - Enrolment provisions .... 10-24(b)
    - Establishment .... 10-24(b)
    - Requirements re .... 10-24(b)
  - Membership on--
    - Change of 10-63h
    - Reapportionment, effect of 10-63o
    - Rotation 10-46
    - Selection 10-46
    - Term 10-46
  - Money, borrowing of, provision for 10-60
  - Motor vehicle operation course--
    - Enrolment provisions .... 10-24(b)
    - Establishment .... 10-24(b)
    - Requirements .... 10-24(b)
  - Notes, issuance and regulation .... 10-56(b)
  - Powers 10-47
  - Regional school reapportionment committee--
    - Alternatives available to 10-63l
    - Applicability of requirements 10-63t
    - Appointment of committee 10-63k, 10-63q
    - Compliance, right to compel 10-63p
    - Constitutional standards, notification re 10-63q
    - Consultant appointed to .... 10-63k(a)
    - Effective date of reapportionment requirements 10-63u
    - Establishment of plan 10-63n
    - Execution of reapportionment plan 10-63o
    - New plan permitted after initial reapportionment 10-63r
    - Plan, reapportionment--
      - Establishment of 10-63n
      - Execution of 10-63o
      - New plan permitted after initial reapportionment 10-63r
      - Patients of state institution not to be included for purposes of 10-63l
      - Recommended by 10-63l, 10-63m
    - Powers .... 10-63k(b), 10-63l
    - Referendum on reapportionment 10-63n
    - Representation plan recommended by 10-63m
    - State board of education, duties re plan 10-63m
    - Time limits for reapportionment 10-63p
    - Town clerk's duties .... 10-63k, 10-63m(c)
  - Representation defined 10-63j
  - Weighted vote, actions to be by .... 10-63a(b)
  - Regional school district--
    - Dissolution--
      - Application for .... 10-63a(b)
    - Committee on--
      - Duties 10-63b
      - Membership 10-63b
      - Report by 10-63c
    - Obligations existing, effect on 10-63f
    - Restrictions on 10-63g
    - Towns, withdrawal of, from--
      - Application .... 10-63a(a)
      - Committee on--
      - Duties 10-63b
      - Membership 10-63b
      - Report by 10-63c
    - Obligations existing, effect on 10-63f
    - Restrictions on 10-63g
  - Regional vocational agriculture center--
    - Establishment of 10-64
    - Grants for 10-65
  - Schools, attendance at other, approved by 10-55
  - Social studies, selection of textbooks for 10-18a
  - Special education programs, duties re 10-76d, 10-76e
  - Study committee--
    - Appointment .... 10-47b(a)
    - Duties .... 10-47b(a)
  - Summer courses--
    - Establishment 10-74a
    - Fee for, duties re 10-74a
  - Teachers' representatives, negotiations with 10-153d
  - Transfer of educational program to--
    - Procedure 10-46a
    - Responsibilities re 10-46a
  - Vocational schools, transportation to, provided by 10-97
- **Regional educational service centers--**
  - Aid 10-66c
  - Board of--
    - Accounts of, auditing of 10-66g
    - Budget, yearly, submitted by 10-66g
    - Compensation 10-66b
    - Duties 10-66b
    - Expenses, payment of 10-66e
    - Financial records, auditing of 10-66g
    - Funds, receipt of 10-66i
    - Membership--
      - Number 10-66b
      - Selection 10-66b
      - Term 10-66b
    - Participating member, revocation of--
      - Notice of, required 10-66k

    - Provision for 10-66k
  - Powers 10-66c
  - Programs, evaluation of 10-66h
  - Projected revenue statement, submitted by 10-66g
  - Services of, evaluation of 10-66h
- Boards of education, authority of to join in 10-66l
- Establishment 10-66a
- Expenses, payment of 10-66e
- Management of 10-66b
- Number of, restrictions on 10-66a
- Operation 10-66b
- Participation by local boards in 10-66d, 10-66f

Regional school district--
- Adult education programs, established by 10-52
- Bonds--
  - Issuance 10-56(a)
  - Payment, default in, procedure for recovery 10-58a
  - Regulations re 10-56(a)
- Budget for--
  - Preparation 10-51(a)
  - Presentment 10-51(a)
  - Voting re 10-51(a)
- Construction of schools. See Construction of schools above, this head.
- Corporate powers of 10-56
- Dissolution of--
  - Application 10-63a(b)
  - Committee on--
    - Duties 10-63b
    - Membership 10-63b
    - Report by 10-63c
  - Obligations existing, effect on 10-63f
  - Procedure 10-47b(b)
  - Restrictions on 10-63g
- Establishment 10-39
- Excepted provisions re 10-63h
- Fiscal year, time of, specified 10-51(a)
- Funds--
  - Deposit of 10-51(c)
  - Duties re 10-51
  - Investment of 10-51(c)
- Grants to 10-53, 10-54
- Net expenses--
  - Defined 10-51(b)
  - Towns--
    - Payment by 10-51(b)
    - Violation re 10-51a
- Notes--
  - Issuance 10-56(b)
  - Payment, default in, procedure for recovery 10-58a
  - Regulations re 10-56(b)
- Prior to June 24, 1969, established, regulations re 10-63h, 10-63i
- Reimbursements to, when 10-53, 10-54
- Special education programs, grants for 10-76e
- State grants-in-aid, provision for 10-53, 10-54
- Towns, withdrawal of, from--
  - Application 10-63a(a)
  - Committee on--
    - Duties 10-63b
    - Membership 10-63b
    - Report by 10-63c
  - Obligations existing, effect on 10-63f
  - Restrictions on 10-63g
- Transportation--
  - Grants, procedure re 10-54
  - Required 10-186

Regional school reapportionment committee, See Regional board of education, above, this head.
- Site for, acquisition of 10-141a
- Temporary regional school study committee--
  - Consultant of, duties re 10-40
  - Dissolution of--
    - Official records, transfer of, upon 10-44
    - Procedure for 10-43
  - Employment by 10-39(b)
  - Establishment 10-39(b),(c)
  - Expenses of, duties re 10-42
  - Meeting of, procedure re 10-41
  - Membership on 10-39(d), 10-40
  - Officers of, election 10-41
  - Prior committee, regulations re 10-39(e)
  - Referendum--
    - Amendments to plan 10-47c
    - Holding of 10-45
    - Procedure re 10-45
  - Reports by 10-43
  - Term of service, specified 10-39(b)

Regional vocational agriculture center--
- Establishment of 10-64
- Grants for 10-65, 10-286(e)
- Regulations re 10-66
- Replacement or relocation of facilities 10-288a
- State aid 10-65, 10-284
- State board of education, evaluations by 10-96(b)

Retarded, mentally, education of 10-76a, 10-76d

School day, length of--
- Dismissal from school, effect on 10-16
- Evening school session 10-16
- Kindergarten session 10-16
- Nursery school session 10-16
- Required 10-16

School accomodations 10-186

School buses--
- Equipment and color of 14-275
- Hours of operation 14-278
- Insurance or bond for owners 14-29
- Other vehicles to stop for 14-279
- Operators of--
  - Duties of, on stopping 14-277
  - Licensing of 14-276
  - Penalties 14-281, 14-295
  - Regulations re 14-276a
- Signals 14-280

School districts--
- Former, management of funds of 10-247
- Sale of property of 10-246
- Meetings of 10-242
- Powers of 10-241
- Prohibition of new districts 10-245
- Treasurer and clerk of 10-243

School libraries--
- Assistance to 10-28a
- Books for, purchase of 10-28a
- Establishment 10-28a
- Pictures for, purchase of 10-28a

School year--
- Kindergarten 10-15
- Public schools 10-15
- Shortening of, grounds for 10-15

Secretary, local board of education--
- Duties of 10-224
- Salary of 10-225

Sessions, school--
- Days, length of, See School day above, this head.
- Length of 10-15
- Rescheduling of, excluded days 10-15
- Shortening of, grounds for 10-15

Silent meditation 10-16a

Social studies, teaching of, textbooks, basis for selection of 10-16a

Socially maladjusted children, education of, See Children's Center above, this head.

Special education programs--
- Advisory council--
  - Duties .... 10-76i(a), 10-76k(c)
  - Membership requirements .... 10-76i(a)
  - Officers .... 10-76i(b)
  - Recommendations by .... 10-76i(d)
- Annual reports .... 10-76d(g)
- Appeal re 10-76h
- Audit of claims, annual 10-76m
- Board of education, local--
  - Duties 10-76d
  - Establishment of, by 10-76d
  - Hearings by 10-76h
- Contracts to provide 10-76d
- Definitions 10-76a
- Emotionally maladjusted children, programs re, See Children's Center above, this head.
- Evaluation of programs .... 10-76b(d), 10-76h(d), 10-76i(d), 10-76l
- Exceptional child .... 10-76a, 10-76b, 10-76g(b)
- Five-year plan--
  - Establishment .... 10-76j(a)
  - Participating members .... 10-76j(b)
  - Provisions of .... 10-76j(a)
  - Submission of, required .... 10-76j(c)
- Funds for, regulations re 10-76c
- Gifted children .... 10-76a(e), 10-76d(c)
- Gifts and bequests for 10-76c
- Hearing on--
  - Board for 10-76h
  - Children and youth services commissioner, right to request 10-76h
  - Procedure re 10-76h
- Instructional facilities providing special training and receiving state funds, subject to approval of state board of education 10-76b
- Learning disabilities, to be defined .... 10-76a(i)
- Long term placement in private facilities .... 10-76d(g)
- Mediation as alternative to hearing 10-76h
- Neurologically impaired child, defined .... 10-76a(h)
- Outstandingly creative talent, to be defined .... 10-76a(j)
- Perceptually handicapped children programs, out-of-state 10-94a
- Physically handicapped children programs, See Newington Children's Hospital above, this head.
- Placement of children outside state .... 10-76d(f)
- Planning and placement team meetings 10-76d
- Private facility pre-school programs .... 10-76d(b)
- Private placement .... 10-76d(c),(d)
- Private schools--
  - Contract requirements .... 10-76d(d)
  - Long term .... 10-76d(g)
- Regional board of education--
  - Annual reports .... 10-76d(g), 10-76l
  - Audit of claims, annual 10-76m
  - Duties 10-76d
  - Establishment of, by 10-76d
  - Reimbursement 10-76g, 10-76m
- Regional plan for 10-76e
- Regional school district, grants for 10-76e
- Socially maladjusted children, programs re, See Children's Center above, this head.
- Special education resource center 10-76n
- State aid for--
  - Committee to study impact of redefining net cost of special education 10-76f
  - Definitions 10-76f
  - Municipalities, paid to 10-266k
  - Regional, plan for 10-76e
  - Regulations 10-76g
- State board of education--
  - Approval required for funding, when 10-76b
  - Establishment of .... 10-76b(a)
  - Evaluation of .... 10-76b(d)
  - Regulations of 10-76b
  - Review by and appeal from 10-76h
  - Special education resource center 10-76n
- State supervision and regulation of 10-76b
- Teacher training scholarships 10-333
- Town board of education--
  - Annual reports .... 10-76d(g), 10-76l
  - Audit of claims, annual 10-76m
  - Duties of 10-76d
  - Establishment of, by 10-76d
  - Reimbursement 10-76g, 10-76m
- Transportation, provision for .... 10-76d(e)

State agencies, professional personnel--
- Exchange of, provision for 10-27
- Salary of, paid by 10-27
- Students--
  - Aid, educational, for 10-27
  - Exchange of, provision for 10-27

State aid--
- Adult education--
  - Director's salary 10-71
  - Programs 10-73b
  - Towns, reimbursement of 10-71
- Aphasic children, out-of-state education 10-94a
- Audit of records re state aid for public education 10-260a

Authorization for expenditures 10-262e
Books, nonprint learning materials, media equipment and other nontextbooks, Sec 10-267 rd 10-267
Construction 10-286
Deceased or disabled veteran, child of 10-26
Department of correction, amounts payable to 10-263b

Disadvantaged children 10-266i--10-266l
Educationally deprived children 10-266a--10-266d
Equalization grants, instant lottery proceeds, portion to 12-568
Expended for school purposes only 10-262e
Expenditures, upon authorization of local or regional board of education, for school purposes only 10-262e
Forfeiture--

  Child deprived of schooling 10-186
  Failure to make returns 10-227
  Misapplication of funds 10-255
Maximum grant 10-262c
Media equipment 10-267
Newington Children's Hospital 10-94
Occupational training programs 10-266i
Perceptual learning disabilities 10-94a

Physically handicapped children 10-94
Private schools--
  Disadvantaged children 10-266l
  Educationally deprived children .... 10-266a(c)
  Experimental programs 10-76i
Health and welfare services 10-217a
Lunch programs 10-215--10-215c
Transportation, reimbursement for 10-281

Regional schools 10-53
  Adult education 10-52
  Books 10-267
  Transportation 10-54
  Withheld, when 10-58a
Regional vocational agriculture centers--
  Facilities .... 10-65(a), 10-284
  Operation .... 10-65(b)

  Relocation 10-288a
Socially and emotionally maladjusted children. See Special education below, this subhead.
Special education--
  Children requiring 10-76a
  Contractual arrangements .... 10-76d(d)
  Definitions .... 10-76d(d), 10-76f

  Duty to provide 10-76d
  Municipalities, grants to 10-266k
  Net cost of, committee to study impact of redefining 10-76f
  Perceptually handicapped children 10-94a
  Procedures for identifying children requiring 10-76b
  Regional facilities 10-76e
  Regulations re 10-76g

Supervisory services, grants in lieu of 10-159a
Teacher training 10-155c
Transportation--
  Average annual receipts 10-268
  High school 10-277
  Kindergarten 10-273a
  Private schools 10-281
  Regional schools 10-54

  Special education 10-76g
  Vocational schools 10-97
Uniform fiscal year, towns not on 10-263a
Veterans, deceased or disabled, child of 10-26
Vocational agriculture centers, See Regional vocational agriculture centers above, this head.

State board of education--
Academy--
  Approved by 10-34
  Examined by 10-34
Adult education programs, initiated by .... 10-73b(a)
Alcohol, effect of, establishment of programs for instruction 10-19
Appeal to, from local board re special education programs 10-76h
Appointment to 10-1
Bicultural program of study--
  Assistance by 10-17b
  Evaluated by .... 10-17c(b)
  Reports re .... 10-17c(b)
Bilingual program of study, duties re, See Bicultural program of study above, this subhead.

Children's Center, duties re 10-94b, 10-94c
Constitutionality of representation, notification re 10-63q
Driver education programs--
  Administered by 10-24d
  Consultant for, appointed by 10-24d
  Established by 10-24d
  Regulations re 10-24d
Drugs, controlled, effect of, establishment of programs for instruction 10-19
Duties of 10-4
Endowed high school--
  Approved by 10-34
  Examined by 10-34
Expenses of 10-14
Experimental educational programs--
  Approved by 10-76k

  Duties re 10-76k
Five year plan, responsible for 10-76j
High school, incorporated or endowed, approval by 10-34
Highway safety course--
  Established by .... 10-24(a)
  Material for instructions re, provided by 10-23
Incorporated high school--

  Approved by 10-34
  Examined by 10-34
Land or interest in, acquisition by, procedure 4-26
Leases for vocational schools, request for 10-95
Newington Children's Hospital, duties re 10-92--10-94
Nicotine, effect of, establishment of programs for instruction 10-19

Officers and employees of 10-2
Perceptually handicapped children, out-of-state education of, duties re 10-94a
Realty, acquisition for vocational rehabilitation 10-103
Regional education service centers--
  Assistance to, provided by 10-66j

    - Formation of, encouraged by 10-66j
  - Regional school districts--
    - Duties re dissolution of 10-47b(b)
    - Regulation of standards 10-39(a)
  - Regional school study committee reports, duties re 10-43
  - Regional vocational agriculture centers, regulations re 10-66
  - School libraries--
    - Assistance by 10-28a
    - Books for, purchased by 10-28a
    - Established by 10-28a
    - Pictures for, purchased by 10-28a
  - School year, shortening of, authority for 10-15
  - Secretary of, duties re reapportionment 10-63s
  - Special education programs, duties re 10-76b, 10-76c
  - Subject courses, duties re 10-15
  - Teachers--
    - Grants for, issuance of 10-116g(b),(c)
    - Shortage, determined by 10-116g(a)
  - Tobacco, effect of, establishment of programs for instruction 10-19
  - United States history, materials for instruction of, provided by 10-18(b)
  - Veterans, secondary education for, provided by 10-25
  - Vocational agriculture centers, regulations for, made by 10-66
  - Vocational rehabilitation--
    - Duties re 10-103
    - Established by 10-101
    - Federal funds, certification by 10-105
    - Federal government, cooperation with 10-104
    - Funds for, disbursed by 10-101
    - Gifts for, regulations re 10-106
    - Powers re 10-103
    - Real estate acquisitions, approvals required for 10-103
  - Vocational schools--
    - Duties re 10-95
    - Established by 10-95
    - Funds, use of, report by 10-96(b)
    - Industrial fund, use of, for 10-99
    - Leased facilities, procedure for 10-95
    - Programs in, regulation of standards 10-96(a)
    - Public works commissioner, leases by 10-95

- **State general obligation bond act--**
  - State bond commission 3-20
  - Text 3-20

- **Students, exchange of, provision for** 10-27

- **Subject courses--**
  - Alcohol and drugs 10-15, 10-19
  - Citizenship 10-18
  - Highway safety--
    - Materials for instruction of 10-23
    - Required 10-23
  - Required 10-15
  - United States history, instruction of, required 10-18(a)

- **Submarine day--**
  - Designation 10-30(m)
  - School exercises on 10-30(m)

- **Summer courses** 10-74a

- **Surrogate parents--**
  - Appointment, duration of 10-94h
  - Costs incurred, payment of 10-94k
  - Definitions 10-94f
  - Hearing, when 10-94g
  - Petition for appointment, requirements re 10-94g
  - Rights and liabilities of 10-94i
  - Regulations 10-94j
  - State advisory council to monitor administration of provisions re 10-94j
  - Summons to appear for hearing, procedure re 10-94g

- **Tax base program, guaranteed** 10-261

- **Teachers--**
  - Certificate, state 10-146
  - Contract, renewal of 10-15(b)
  - Damage suits, protection in 10-235
  - Definitions 10-151, 10-160, 10-281c
  - Dismissal of 10-151
  - Employment of 10-151
  - Negotiations re 10-153g
  - Strikes by, prohibited 10-153e

- **Teachers' retirement system--**
  - Actuarial deficits, surplus 10-180a
  - Board for 10-163
    - Bylaws and regulations of 10-164
  - Death benefits 10-168
  - Deductions for 10-178
  - Definitions 10-160
  - Designation of co-participation 10-167
  - Duties of board of education re 10-178
  - Funds, types 10-165
  - Membership in 10-161
  - Withdrawals and refunds 10-176

- **Tobacco, effect of, instruction programs about.** See Alcohol above, this head.

- **Town--**
  - Acquisition of property to build school--
    - Approval of, required 10-49a
    - Referendum re--
      - Cost of, payment of 10-49a
      - Time for holding, specified 10-49a
      - Voting in, eligibility 10-49a
  - Adult education programs--
    - In regional schools, payment of, duties re 10-52
    - Reimbursement from, to 10-71
  - Regional school district--
    - Dissolution, application for 10-63a(b)--(g)
    - Establishment 10-39(a)
    - Net expenses of--
      - Payment 10-51(b)
      - Violation of, determination of deficiency in payment of 10-51a
    - Withdrawal from 10-63a(a)--(g)
  - Regional schools--
    - Districts for, establishment of 10-39(a)
    - Study committee for--
      - Duties re 10-40
      - Establishment of 10-39(b)
  - Schools--
    - Maintenance of 10-15
    - Regulations re 10-15
  - Tuition, high school, paid by, when 10-33, 10-34
  - Uniform fiscal year, not on 10-263a

Town board of education, See Boards of education; Local board of education above, this head.

Transportation--
Private school pupils, hearing re failure to provide ... 10-281
Public school pupils, hearing re failure to provide ... 10-186, 10-187

Treasurer, state, vocational rehabilitation division, custodian of federal funds for ... 10-105

Tuition--
Adult education in regional schools ... 10-52
Adult education programs ... 10-73a
High school, paid for by town, when ... 10-33, 10-34
Regional community colleges ... 10-38b
Veterans - deceased or disabled, aid to child ... 10-26

Uniform administrative procedures act--
Contested cases--
Decision, final ... 4-180
Definition ... 4-166
Evidence in ... 4-178
Judicial review ... 4-183
Matters involving licenses ... 4-182
Notice, record in ... 4-179
Proposals for decision waiver ... 4-179
Regulations--
Adoption of regulations ... 4-168
Approval of regulations by attorney general ... 4-169
Definitions ... 4-166
Emergency regulations ... 4-168
Hearings on regulations ... 4-168
Legislative regulation review committee ... 4-170
Repeal of inconsistent sections ... 4-189
Supreme court appeal ... 4-184
Notice prior to action on regulations ... 4-168
Organization description ... 4-167
Petition for regulation ... 4-174
Publication of regulations ... 4-172, 4-173
Review of old regulations ... 4-170a
Submission of disapproved regulations to the general assembly ... 4-171
Validity of regulations ... 4-175
Declaratory rulings ... 4-175, 4-176

Uniform fiscal year, towns not on ... 10-263a

United States history, instruction in--
Copy of courses, filing of, required ... 10-18(c)
Materials for ... 10-18(b)
Required ... 10-18(a)

Veteran, disabled or deceased, educational aid for child of--
Age requirements ... 10-26(a)
Amount of aid, regulation re ... 10-26(a)
Use of, specified ... 10-26
Vietnam veteran--
Missing in action ... 10-26(a),(b)

Veterans' day--
Designation ... 10-30(b)
School exercises on ... 10-30(b)

Vocational education extension program, evening---
Fees ... 10-95d
Vocational education extension fund ... 10-95c

Vocational education programs, master plan for ... 10-96a

Vocational guidance ... 10-21

Vocational schools--
Establishment of ... 10-95
Grants-in-aid for ... 10-96(a)
Industrial fund, use of, for ... 10-99
Programs in, evaluation of ... 10-96(a)
Regulations re ... 10-95
Transportation to, provided, when ... 10-97

Weighted vote, defined ... 10-63s

Workmen's compensation insurance--
Provisions ... 31-340 to 31-348
Second injury fund ... 31-349 to 31-355

Work-study programs ... 31-23(a)

Youth service systems--
Definition ... 17-443
Establishment ... 17-443